

## IDAP REPORT

<b>Property:</b>	10 Dunlop Street, Strathfield South Lot: 1 DP: 627152 DA2021.121
<b>Proposal:</b>	Demolition of structures within concrete batching plant (industrial premises).
<b>Applicant:</b>	Hanson Construction Materials
<b>Owner:</b>	Pioneer Concrete (qld) PI
<b>Date of lodgement:</b>	20 May 2021
<b>Notification period:</b>	28 May 2021 – 11 June 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	J W Brown
<b>Estimated cost of works:</b>	\$80,000.00
<b>Zoning:</b>	IN1-General Industrial - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



Figure 1: Aerial image of the site

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of structures within concrete batching plant (industrial premises).

### **Site and Locality**

The site is identified as 10 Dunlop Street, Strathfield South and has a legal description of Lot 1 in DP 627152. The site is irregular shaped parcel of land and is located at the end of Dunlop Street.

The lot is shaped with an access handle from the street that forms into a larger square like lot with an approximate overall area of 5400m<sup>2</sup>.

The locality surrounding the subject site contains mainly of industrial development with Cooks River to the south.

### **Strathfield Local Environmental Plan**

The site is zoned IN1-General Industrial under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

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

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 28 May 2021 – 11 June 2021, where no submissions were received.

### **Issues**

- Noise Management

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/121 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of structures within a concrete batching plant (industrial premises). More specifically, the proposal involves:

- Derigging to ground level with a crane;
- Demolition of the cement silo, batch tower, storage shed, slump, stand, washout pits and conveyor via excavator;
- Demolition of ground bins, ramp, water storage and admixture store via hydraulic excavator; removal of storage bins and affiliated blocks; and
- Retention of the office, amenities and undercover parking.

### **The Site and Locality**

The subject site is legally described as Lot 1 in DP 627152 and commonly known as 10 Dunlop Street Strathfield South. It is located off to the eastern side of Dunlop Street, and at the end of this road.

The site is irregular in shape and has a battle axe shaped entrance that is 100m long. The main portion of the site has a variable width between 80m to 40m and a variable depth of between 65m and 30m. The overall size of the lot is 5400m<sup>2</sup>

The site slopes gradually from the northern entry to the rear southern boundary. There is a small rise in the land at the south east corner of the site due to the existing ramp.

The site is occupied by an existing batching plant. Vehicular access is provided to the site via Dunlop Street.

The current streetscape is characterised by industrial development including warehouses, building material suppliers and car services. The surrounding area is characterised by more industrial development, residential dwellings, parks and reserves. Directly south of the proposal is Cooks River.



Figure 2: Closer aerial image of the site (Nearmaps 6 Aug 2021)





*Figure 2: Facing south east to the batch tower, silo and ramp*



*Figure 3: From top of the ramp facing north west*



*Figure 4: Office, amenities and carport roofing that is to remain (western boundary)*

Due to NSW government Health Order following the COVID-19 outbreak in greater Sydney, Council officers were unable to attend the site and subsequently requested a thorough suite of site photos to be provided by the applicant. The application has been assessed utilising photographic evidence provided by the applicant, Council's geographic information systems data and other available information relating to the existing site conditions.

## **Background**

20 May 2021	The subject development application (DA2021/121) was lodged with Council.
29 May 2021	The application was publicly exhibited until 11 June 2021
6 August 2021	A drive by of the site took place due to Covid restrictions.
9 August 2021	The following additional information was requested from the applicant: <ul style="list-style-type: none"> <li>Noise Management Plan</li> </ul>
23 August 2021	Additional information was received.

## **Referrals – Internal and External**

### **Manager Environmental Services Comments**

The application was referred to Council's Manager of Environmental Services who offered no objection subject to the conditions of consent after receiving the noise management plan.

### **Environmental Projects Officer – Waste Comments**

The application was referred to Council's Environmental Projects Officer who offered no objection subject to the conditions of consent.

## **Section 4.15 Assessment – EP&A Act 1979**

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

### **(1) *Matters for consideration – general***

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

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

## **Strathfield Local Environmental Plan**

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

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.7 – Demolition requires development consent**

The subject site is zoned IN1-General Industrial and the proposal, being demolition works, is permissible development subject to development consent.

### **Part 4 – Principal Development Standards**

There are no provisions under this part which are relevant to this application.

### **Part 5 – Miscellaneous Provisions**

#### **Flood Planning**

The proposed site has been identified within the flood planning levels and as such, the provisions of this Clause are applicable; however, given that the development solely involves demolition works it is unlikely that an increase of flood risk to life and property will occur. The flood risk will be investigated further with future developments of the site. Therefore the proposed demolition meets the objectives of flood planning.



## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 4 Acid Sulfate Soils but the demolition will unlikely involve the disturbance of 1 tonne of soil and lowering of the water table. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

### **Earthworks**

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

### **Essential Services**

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

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

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

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

A review of the available history for the site has indicated that the land associated with this demolition is contaminated. Due to that the proposal is only for demolition and that all materials will be removed appropriately from the site. There is no requirement for further investigation of the contaminated land. Any future use of the site will require an investigation on whether the need for remediation is necessary.

Therefore the objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

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

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

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

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

- (iii) any development control plan,**

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

An assessment of the proposal against the objectives and development controls contained within Part D of SCDCP 2005 is included below:

## 1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	To improve the quality of industrial development within the Strathfield Municipality	Yes
B.	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	Yes
C.	To ensure development is consistent with the principles of Ecologically Sustainable Development	Yes
D.	To encourage high quality building design and industrial streetscape aesthetics	Yes
E.	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area	Yes
F.	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality	Yes
G.	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;	Yes
H.	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements	Yes
I.	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles	Yes
J.	To encourage employee amenity within industrial developments.	Yes

**Comments:** The proposed development involves demolition of an existing concreting batching plant. This allows the site to be vacant for future development that meets the needs of the community and the environment. Allowing for improved quality design, character, amenity and ecological sustainability in the future. The proposed works are consistent with the objectives of the IN1 – General Industrial Zone as it will allow for more economical and sustainable development in the future.



## 2.2: Contamination

2.2	Objectives	Satisfactory
A.	To ensure that a site is safe for development or redevelopment.	Yes
2.2	Guidelines	Complies
	Under State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land, Council cannot consent to the carrying out of any development on land unless:	
1	It has considered whether the land is contaminated	Yes
2	If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation)	Yes
3	If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose	Yes

**Comments:** The site in which the proposed demolition will take place has been identified as contaminated land through Council's records. Given that the proposal involves demolition of existing structures, the risk of contamination is considered low. Therefore, with regard to the proposal, further assessment of contaminated land risk, management and remediation, are not considered necessary.

## 2.4: Development Adjoining Residential Zones

2.4	Objectives	Satisfactory
A.	To ensure industrial development does not unreasonably impact or intrude upon any adjoining residential area(s).	Yes

**Comments:** The site does not adjoin any neighbouring residential properties but is within the vicinity of residences to the north, south and east. An acoustic report was provided by the applicant. This was reviewed by Council's Manager of Environmental Services who was satisfied that the appropriate measures can be implemented to ensure noise levels for the residential properties in the area are mitigated. Overall the demolition is unlikely to cause unreasonable impact to neighbouring residential properties.

## 2.13: Utilities

2.13	Objectives	Satisfactory
A.	To ensure a development is satisfactorily serviced by all utilities.	YES

**Comments:** The proposed site is already satisfactorily serviced and all utilities will be disconnected appropriately prior to demolition.

## 2.14: Air Noise and Water Pollution

2.14	Objectives	Satisfactory
A.	To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.	YES

**Comments:** The proposed demolition will generate noise, air and water emissions. These impacts can be mitigated and managed by the imposition of recommended conditions. Conditions requiring implementation of sedimentation and erosion controls combined with the waste management plan will also assist in alleviating air and water pollutants. Overall the proposal achieves the above objective, with regard to minimizing and managing air, noise and water pollution.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measures for waste during demolition. It is considered that this plan adequately addresses Part H and considered satisfactory.

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

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

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

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

The 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 demolition will allow for development that 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 raising any concerns.

### ***(e) the public interest.***

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

## **Local Infrastructure Contributions**

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

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

The proposed development involves demolition of a concrete batching plant. This is not considered an intensification of the existing land use within the lot. Therefore, Section 7.11 contributions do not apply.

The cost of works for the proposed development is less than \$100,000 and thus, Section 7.12 contributions are not applicable.

## Conclusion

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

Following detailed assessment it is considered that Development Application No. DA2021/121 should be approved.

**Signed:**

**Date: 13 September 2021**

**J W Brown  
Planner**

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

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**Date: 14 September 2021**

**M Rivera  
Senior Planner**



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

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

## **DEVELOPMENT DETAILS**

### **1. Approved Plans & Documentation**

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

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Demolition Plan	DA-EN01	13/4/21		Hanson
Waste Management Plan		7/5/21	2.0	Hanson
Noise Management Plan		23/8/21	2.0	Hanson

## **SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

### **2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

- (c) Establishing a “works zone”;
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 3. Fees to be Paid

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	

Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$280
Security Damage Deposit	\$2,700
Administration Fee for Damage Deposit	\$130

### **General Fees**

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

#### **4. Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$2,700.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

#### **5. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with an Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works



- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

## 6. Onsite Waste Collection

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

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

## 7. Commercial and Industrial Waste

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

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

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

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

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

## 8. Industrial Waste Material

Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.

Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.

Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.

Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.

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

### **9. Demolition & Asbestos**

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### **10. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard

commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

#### **11. Dial Before You Dig**

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

#### **12. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

#### **13. Dust Control**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

#### **Major Works**

The following measures must be implemented (in part or in total) to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

#### **DURING CONSTRUCTION**



**14. Site Sign – Soil & Erosion Control Measures**

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

**15. Hours of Construction for Demolition and Building Work**

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

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

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

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**16. Acoustic Compliance – General Operation of Premises**

The operation of all plant and equipment during demolition shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to 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 Environment Protection Authority's "NSW industrial Noise Policy"](#).

**OPERATIONAL CONDITIONS (ON-GOING)**

**17. Noise Control**

The operation of all plant and equipment during demolition shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Appointment of a PCA**

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

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

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

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

**PRESCRIBED CONDITIONS**

**19. Clause 98 – Building Code of Australia & Home Building Act 1989**

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

**20. Clause 98A – Erection of Signs**

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

**21. Clause 98E – Protection & Support of Adjoining Premises**

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

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## ADVISORY NOTES

### 1. **Review of Determination**

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

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

### 2. **Appeal Rights**

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

### 3. **Lapsing of Consent**

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

### 4. **Long Service Levy**

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

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

### 5. **Site Safety Fencing**

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

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



## 6. Noise

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

Useful links relating to Noise:

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