

IDAP REPORT

Property:	300 Homebush Road STRATHFIELD SOUTH Lot 3 DP 33886 DA2021.197
Proposal:	Partial demolition of rear of existing dwelling house and alterations and a fit-out of front of existing dwelling house to be used a beauty salon involving skin penetration (home business).
Applicant:	Akt Engineering & Consulting
Owner:	Thi Thuy Hang Nguyen
Date of lodgement:	12 August 2021
Notification period:	23 August 2021 to 8 September 2021
Submissions received:	One
Assessment officer:	P Santos
Estimated cost of works:	\$45,000.00
Zoning:	R2-Low 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 partial demolition of rear of existing dwelling house and alterations and a fit-out of front of existing dwelling house to be used a beauty salon involving skin penetration (home business).

Site and Locality

The subject site is commonly known as 300 Homebush Road, Strathfield South, with the legal description of Lot 3 DP 33886. The immediate locality is predominantly characterised by low density residential development. Strathfield South Town Centre is located about 200m north of the subject site and St. Annes Catholic Primary School is approximately 500m to the west.

Strathfield Local Environmental Plan

The site is zoned R2-Low Density Residential 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 23 August 2021 to 8 September 2021, where one submission was received raising the following concerns:

- Traffic, and
- Business type.

Issues

- Satisfying the definition of home business.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/197 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the partial demolition of rear of existing dwelling house and alterations and a fit-out of front of existing dwelling house to be used as a beauty salon involving skin penetration (home business).

More specifically, the proposal includes:

- Demolition of existing structures at the rear of the dwelling house that is subject to a Proposed Demolish Works Order, dated 26 April 2021.
- Use of a part (40m²) of the dwelling house as a home business – beauty salon with skin penetration, with the hours of operation as below:
 - Monday to Saturday – 9.00 AM to 7.00 PM.

There is no information provided about the number of staff. However, a condition of consent will be imposed to ensure that the proposed use will continue to satisfy the definition of home business – having no more than two staff other than the residents.

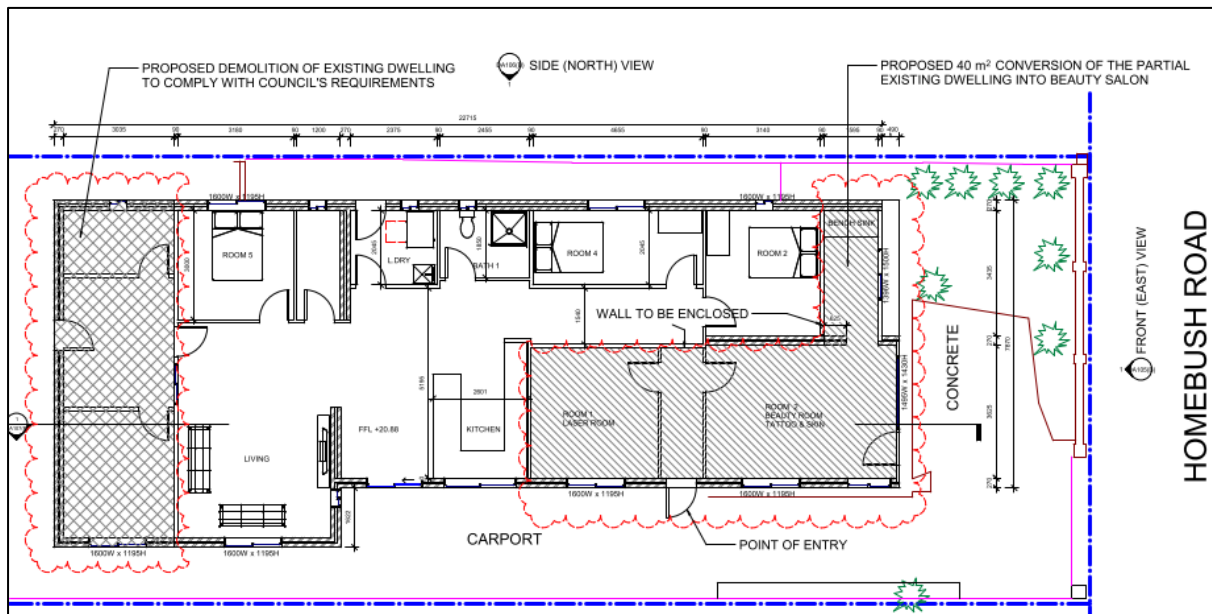


Figure 2. Extract of the proposed ground floor plan.

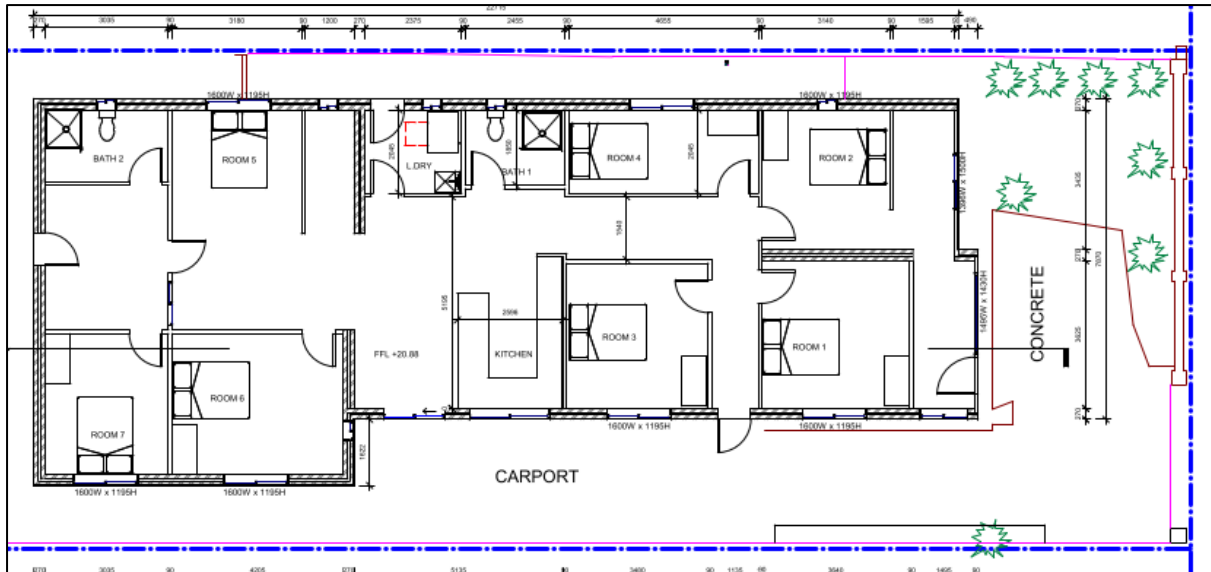


Figure 3. Extract of the existing ground floor plan.

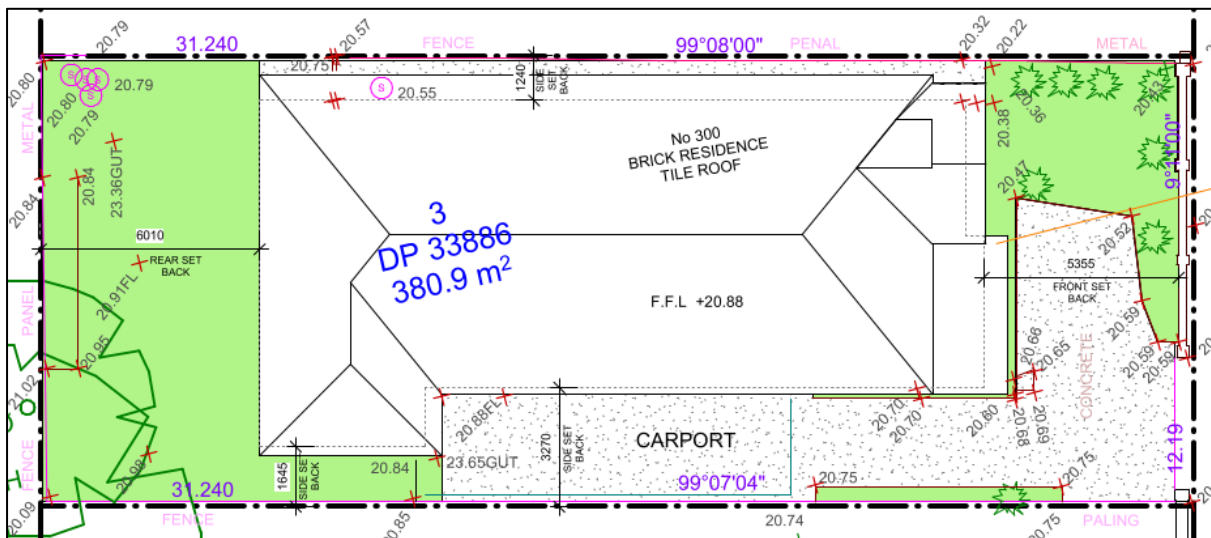


Figure 4. Extract of the proposed landscape plan.

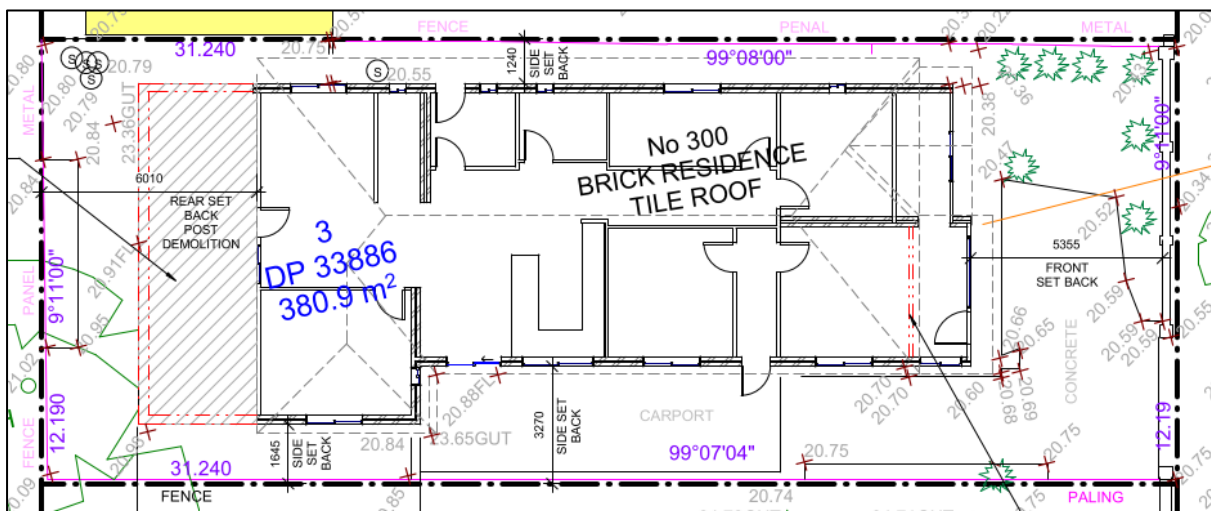


Figure 5. Extract of the proposed demolition plan, with the proposed walls to be demolished shown in hatched red line.

The Site and Locality

The subject site is commonly known as 300 Homebush Road, Strathfield South, with the legal description of Lot 3 DP 33886. The immediate locality is predominantly characterised by low density residential development. Strathfield South Town Centre is located about 200m north of the subject site and St. Annes Catholic Primary School is approximately 500m to the west.



Figure 6. A closer aerial imagery of the subject site (outlined) and the immediate locality.



Figure 7. Frontage of the existing dwelling house on the subject site.



Figure 8. The existing bedroom 1.



Figure 9. Rear southern part of the house that will be demolished.



Figure 10. Rear northern part of the house that will be demolished.



Figure 11. Rear elevation of the dwelling house that will be demolished.

Background

26 April 2021	<p>A notice of proposed Demolish Works Order was issued to remove the unauthorised development on the premises and rectifying it to ensure compliance with the approved plans in DA2013/051 issued by Council on 20 May 2013 and Construction Certificate # CC13-0169.</p> <p>A notice of proposed Stop Use Order was issued to cease the use of the premises as a boarding house.</p>
14 May 2021	<p>DA2020/231 was refused by Council's Internal Development Assessment Panel. The application was for the purpose of alterations and fit-out to the existing dwelling house to use part of it as a beauty salon that involves skin penetration (i.e. skin tattoo).</p>
12 August 2021	<p>The subject development application was lodged for the purpose of a partial demolition of the rear of the existing dwelling house and alterations and a fit-out of front of existing dwelling house to be used as a beauty salon involving skin penetration (home business).</p>
23 August 2021	<p>The application was put on public exhibition until 8 September 2021, where one submission was received.</p>
26 October 2021	<p>A site visit was carried out by Council's Planner.</p>
2 November 2021	<p>A stop-the-clock additional information request letter was issued, raising the following concerns:</p> <ul style="list-style-type: none">• Qualifications / certification of the person associated with the home business, and• Lack of living room/area within the dwelling.
23 November 2021	<p>The applicant has provided the additional information requested.</p>

Referrals – Internal and External

Traffic

The application was referred to Council's Traffic Manager who offered no objections to the proposed development, subject to conditions of consent.

Health

The application was referred to Council's Environmental Health Officer who offered no objections to the proposed development, subject to conditions of consent.

Waste

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

"A Waste Management Plan (WMP) for demolition and construction was provided, however not addressing ongoing waste commercial and domestic waste generated after property is occupied."

“WMP should also indicate how chemical / hazardous waste (i.e. sharps from tattoo shop, chemicals from beauty salon, etc.) will be disposed and collected.”

The above concerns can be resolved by way of a condition of consent to amend the WMP prior to receipt of construction certificate (‘CC’).

Building & Compliance

The application was referred to Council’s Senior Building Surveyor, who provided the following comments:

“The change of use of an area greater than 10% to an existing building requires that the “new part” is reclassified in accordance with its use and therefore subject to the NCC requirements relative to the classification of the new use. In this instance, the new use will be a Class 6.”

“The building does not demonstrate compliance with the National Construction Code.”

“All staff are required to have access to sanitary facilities.”

“Fire safety provisions of Volume One are required to be met.”

“Modifications to the development will be required prior to the issue of the construction certificate if the consent is approved.”

“...the applicant is advised to obtain a BCA report and an access to premises report prior to approval of the application as the plans will need to be modified to comply with the NCC.”

The above concerns can be resolved by way of relevant conditions of consent to be imposed and any amendments can be done prior to receipt of CC.

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 R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Floor Space Ratio and Building Height

The proposed development involves removal of an unauthorised structure at the rear of the property and a change of use of an area of the dwelling house. The proposal does not involve increasing the GFA or altering the existing height of the dwelling house. The demolition will result to an FSR that is consistent with what was approved in DA2013/051. As such, the proposal continues to satisfy the provisions and objectives of the principal development standards.

Part 5 – Miscellaneous Provisions

Home Business

The proposal involves changing part of the dwelling to be used as a beauty salon with skin penetration – a home business. Subclause (2) of the clause stipulates that a development for the purpose of a home business must not use more than 40m² of floor area of the dwelling house. The proposed development satisfies this standard as the home business will occupy 40m² of the building.

A concern was raised by Council with the applicant about satisfying the definition of home business where under the standard instrument, it is defined as:

“home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following –

- (a) the employment of more than 2 persons other than the residents,*
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,*
- (c) ...*
- (d) ...”*

Emphasis is given to the part of the definition that indicates at least one permanent resident must be carrying out the business. The provided qualification documents and ABN provided to Council are considered satisfactory. As such, the proposed use is supported in this regard.

Flood Planning

The subject site has been identified as being at or below the flood planning level. The proposal does not involve increasing the building footprint or changing any levels on the site that may have an impact on the flood behaviour. As such, the proposed development is considered to satisfy the objectives of this clause.

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.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

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

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

As the value of works is less than \$50,000 or based on the nature of the development type, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clauses 101 of the SEPP applies to the site as it fronts a classified road. The nature of the proposal does not involve increasing the parking required on the site or changing the existing parking provisions and driveway layout. As such, it is considered that the proposed development continues to satisfy the objectives of the clause.

(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.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Setbacks: Rear:	6m	6m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	35% (133.32m ²)	28.72% (109.4m ²)	No

Landscaping and Open Space

The proposal involves new and additional landscaped areas on the site. Currently, the site has very little landscaping due to the unauthorised works undertaken on the property.

As previously mentioned, a notice of proposed Demolish Works Order was issued to remove the unauthorised development on the premises and rectifying it to ensure compliance with the approved plans in DA2013/051 issued by Council on 20 May 2013 and Construction Certificate # CC13-0169. This includes unauthorised landscaping works.

The most recent relevant approval indicates that the rear, apart from a shed, will be landscaped. The front yard has sufficient landscaping, with the exception the driveway and the pedestrian access. See Figure 12 below.

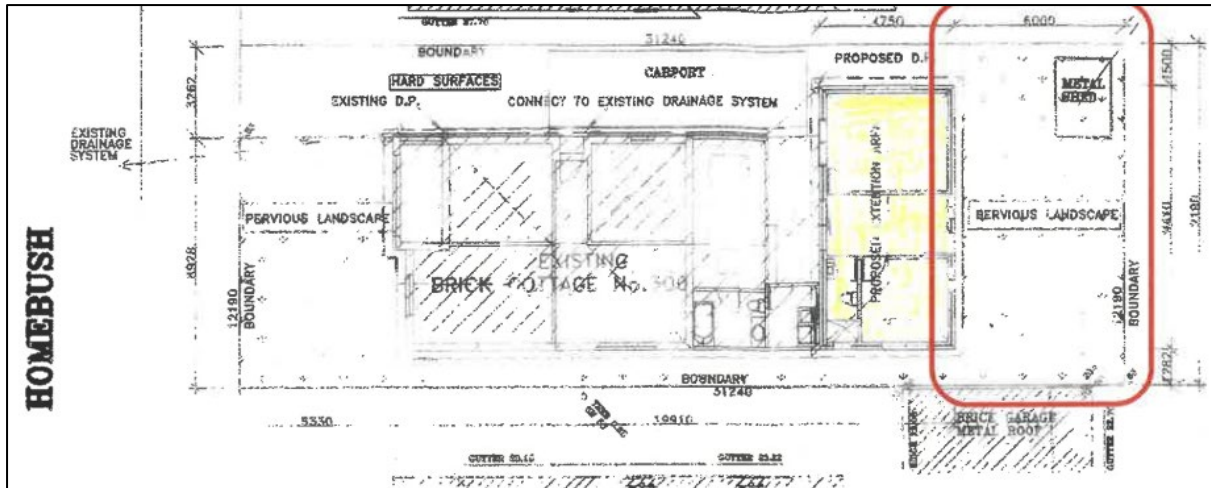


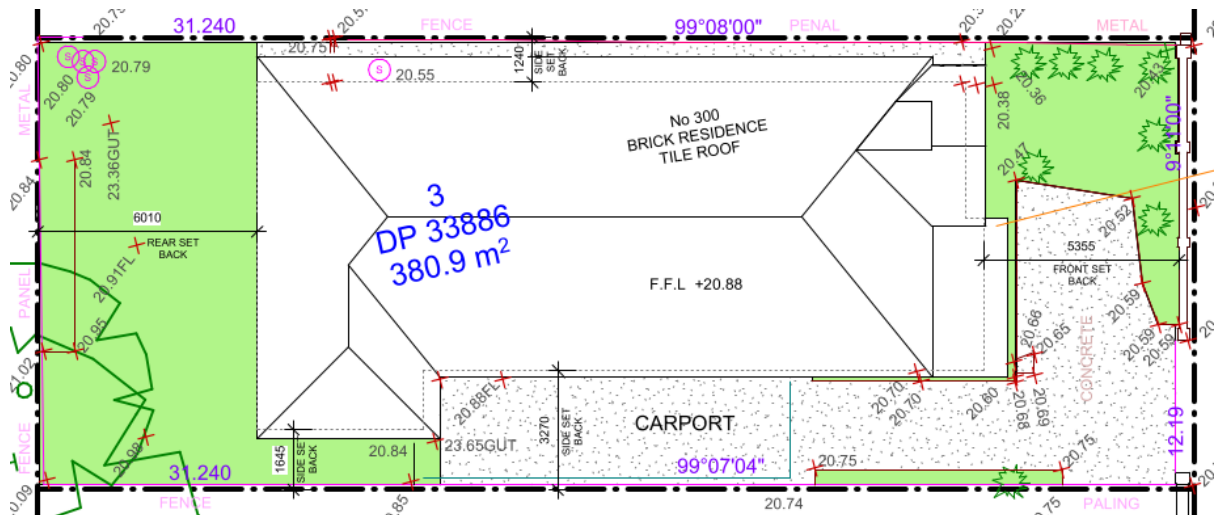
Figure 12. Extract of existing approved consent (DA2013/051) as shown in the notice of proposed Demolish Works Order issued on 20/05/2013.

The proposed landscaping in the calculations on the site plan is as follows –

COMPLIANCE TABLE- DWELLING/HOME BUSINESS			
CONTROL	REQUIRED	PROPOSED	COMPLIANCE
SITE AREA	450 m ²	380.9 m ²	YES
EXISTING DWELLING	-	121.2 m ²	YES
PROPOSED HOME BUSINESS	-	40 m ²	YES
SIDE SET BACK	0.9 m	1.645 m	YES
REAR SET BACK	0.9 m	2.705 m	YES
P.O.S	50m ²	33.64 m ²	YES
LANDSCAPE AREA	30%	68.104 m ²	YES

It is noted that 68m² is not 30% of the site. Further, Council requires 35% of the site to be landscaped in accordance with the SCDP 2005. Despite this, the landscape plan is as shown in Figure 13 below, which when measured (Figure 14) provides a total of 28.72% (109.4m²) landscaping.

The calculated landscaping of 109.4m² does not satisfy the requirement of the DCP. However, this is acceptable as it will be a significant improvement on the site. Further, it is acknowledged that an area within the front yard that is shown as concrete is needed to facilitate manoeuvring of vehicles to move in and out in a forward direction from the site, as it fronts a classified road.



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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received raising the following concerns:

1. Traffic

Comment: A concern was raised that there will be more traffic coming into the area due to the home business. Note that the application was referred to Council's Traffic Manager who did not object to the proposed home business. The size permitted to carry out the business in the dwelling, as required by Clause 5.4 of the SLEP 2012, is insignificant that it will create a nuisance to neighbouring properties in relation with traffic.

2. Business Type

Comment: A concern was raised regarding the business involving skin penetration and that it should be located in a commercial area rather than in residential. Note that the type and scale of the business proposed is permitted in a low density residential zone.

Cosmetic tattooing or skin penetration is permitted ancillary to the use of the beauty salon. Further to the above, the business, due to its skin penetration component, will need to be registered with Council to ensure that the business will have all the proper sanitary facilities on the premises and is safe for the public.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD DIRECT/INDIRECT SECTION 7.11/SECTION 7.12 CONTRIBUTIONS PLAN

The nature of the proposal, a home business, does not warrant contributions under the S7.11 Direct Contributions Plan to be imposed. Further, the cost of works of \$45,000.00 does not require a contributions under the S7.12 Indirect Contributions to be levied.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/197 should be approved, subject to conditions of consent.



P Santos
Development Assessment 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:
L Gibson
Senior Planner

Date:

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Proposed Site Plan	DA103(B)	29/08/2021	A	AKT Engineering & Consulting
Proposed Ground Floor Plan	DA104(B)	29/06/2021	A	AKT Engineering & Consulting
Post Construction Front and Rear Elevation	DA105(C)	29/06/2021	A	AKT Engineering & Consulting
Post Construction Side Elevation	DA106(C)	29/06/2021	A	AKT Engineering & Consulting
Post Construction Long Section	DA107(C)	29/06/2021	A	AKT Engineering & Consulting
Proposed Landscape Plan	DA109	29/06/2021	A	AKT Engineering & Consulting
Demolition Plan	DA110	29/06/2021	A	AKT Engineering & Consulting
Schedule of Finishes	DA111	29/06/2021	A	AKT Engineering & Consulting

2. Signage

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

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) 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. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Plans and Specification Skin Penetration Premises

To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all skin penetration premises, all works associated with the fit-out shall be designed and carried out in accordance with the requirements of:

- (a) [Public Health Act 2010](#) (as amended).
- (b) [Public Health Regulation 2012](#) (as amended).
- (c) If sterilising is conducted on site then the following Australian Standards applies:

AS4815:2006 – Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment (as amended) is to be complied with.

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

5. Required Design Changes

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

Health Requirements	<ol style="list-style-type: none"> 1. At least 2 sinks are to be installed on-site; 1 for hand washing and 1 for cleaning equipment. 2. Adequate space must be shown on the plans for the drying of washed equipment. 3. Adequate space must be shown on the plans for the storage of skin penetration equipment. <p>The above requirements are to be located within the nominated 40m² part of the dwelling where the home business will be carried out as shown in the plans approved in condition #1.</p>
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6. Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste

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

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

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

7. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

8. Access for Persons with a Disability

Access and sanitary facility for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

9. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

10. Fees to be Paid

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 157.50
Security Damage Deposit	\$ 1,400.00
Administration Fee for Damage Deposit	\$ 130.00

General Fees

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

11. 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: \$1,400.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

12. Site Management Plan

Minor Development

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

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be

maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

13. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

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

14. 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.

15. 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.

16. Demolition Work Involving Asbestos Removal

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

17. 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.

DURING CONSTRUCTION

18. 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.

19. 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

20. Skin Penetration Premises – Inspection and Registration

Prior to the issue of any Occupation Certificate or use of any skin penetration premises:

- (a) An inspection of the fit out of the skin penetration premises must be arranged with Council's Environmental Health Officer;
- (b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- (c) The skin penetration premises must be registered with Strathfield Council as required under clause 31 of the [Public Health Regulation 2012](#).

Evidence demonstrating the above requirements have been satisfied is required to be provided to the PCA.

21. Fire Safety Certificate before Occupation or Use

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

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

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

22. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

23. Noise Control

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

24. Skin Penetration – Registration & Maintenance of Premises

The skin penetration premises must be registered with Council and maintained in accordance

with:

- (a) [Public Health Act 2010](#) (as amended)
- (b) [Public Health Regulation 2012](#) (as amended)
- (c) AS/NZS 4815:2006 – Office-base health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment (as amended)

25. Hours of Operation

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

Monday to Saturday – 9.00AM to 7.00PM

26. Amenity of the Neighbourhood

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

27. Maximum Number of Staff/Worker

Two (2) employees other than the residents.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

28. Requirement for a Construction Certificate

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

29. 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.

30. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

31. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

32. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

33. Occupation Certificate

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

PRESCRIBED CONDITIONS

34. 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.

35. 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.

36. Clause 98B – Home Building Act 1989

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

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. Skin Penetration Premises

Notification of a Business can be undertaken by filling in the Skin Penetration Premises Registration Form from Strathfield Council.

Further detailed information about skin penetration requirements can be obtained from the NSW Department of Health's web site: <http://www.health.nsw.gov.au/public-health/ehb/general/skinpen/skinpen.html>

5. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

6. 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).

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

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

8. 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.