

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	251-253 Homebush Road, Strathfield South Lot 39 DP 2043 / Lot 38 DP 2043 DA 2018/46/3
Proposal:	s4.55(1A) Modification Application involving minor changes to boarding house including amendments to basement and ground floor levels, new side fencing and provision of fire hydrant facility.
Applicant:	M Wan
Owner:	M Dieu & H T Bich
Date of lodgement:	6 September 2021
Notification period:	15 September 2021 to 30 September 2021
Submissions received:	Nil
Assessment officer:	G I Choice
Estimated cost of works:	\$3,350,000.00 (same as original consent)
Zoning:	B4-Mixed Use - SLEP 2012
Heritage:	State Heritage – Sydney Water pressure tunnel and shafts
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Aerial photography of subject site locality (outline in yellow)

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the S4.55(1A) modification of development consent DA2018/46 that involves minor changes to a boarding house including amendments to basement and ground floor levels, new side fencing and provision of fire hydrant facility.

Site and Locality

The subject site is legally described as Lot: 38 DP: 2043 and Lot: 39 DP: 2043 and is commonly known as 251 Homebush Road and 253 Homebush Road STRATHFIELD SOUTH. The site is rectangular in shape and has a frontage of 24.38m to Homebush Road to the east, depth of 37m and a total area of 898m² (by Title).

Strathfield Local Environmental Plan

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

Development Control Plan

The proposed development as amended 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 15 September 2021 to 30 September 2021 where no submissions were received.

Issues

Amended plans do not show all kitchen/living facilities in the rooms.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2018/46/3 is recommended for approval subject to suitable conditions of consent as modified.

REPORT IN FULL

Proposal

Council has received an application to modify development consent DA 2018/46 for the s4.55(1A) Modification Application involving minor changes to the approved boarding house design including amendments to the basement and ground floor levels, new side fencing and provision of fire hydrant facilities. Specifically, the proposal includes;

Basement level:

- Modification to bin area
- Reconfiguration of parking spaces, bulk waste area and communication/nbn room to accommodate fire hydrant booster pump
- Relocation of Fire Stair 2 door (FS2)

Ground floor level:

- Alteration to FS2 with addition of exit door and smoke separation wall between ascending and descending stairs
- Change sliding door to communal area to a wall and single swing door.

External works:

- Relocation of rainwater tanks from basement to podium in front of units 7-9
- Replace Colorbond courtyard fences to Units 1-4 with 1500mm high single brick walls
- Provision of mailboxes within front setback.

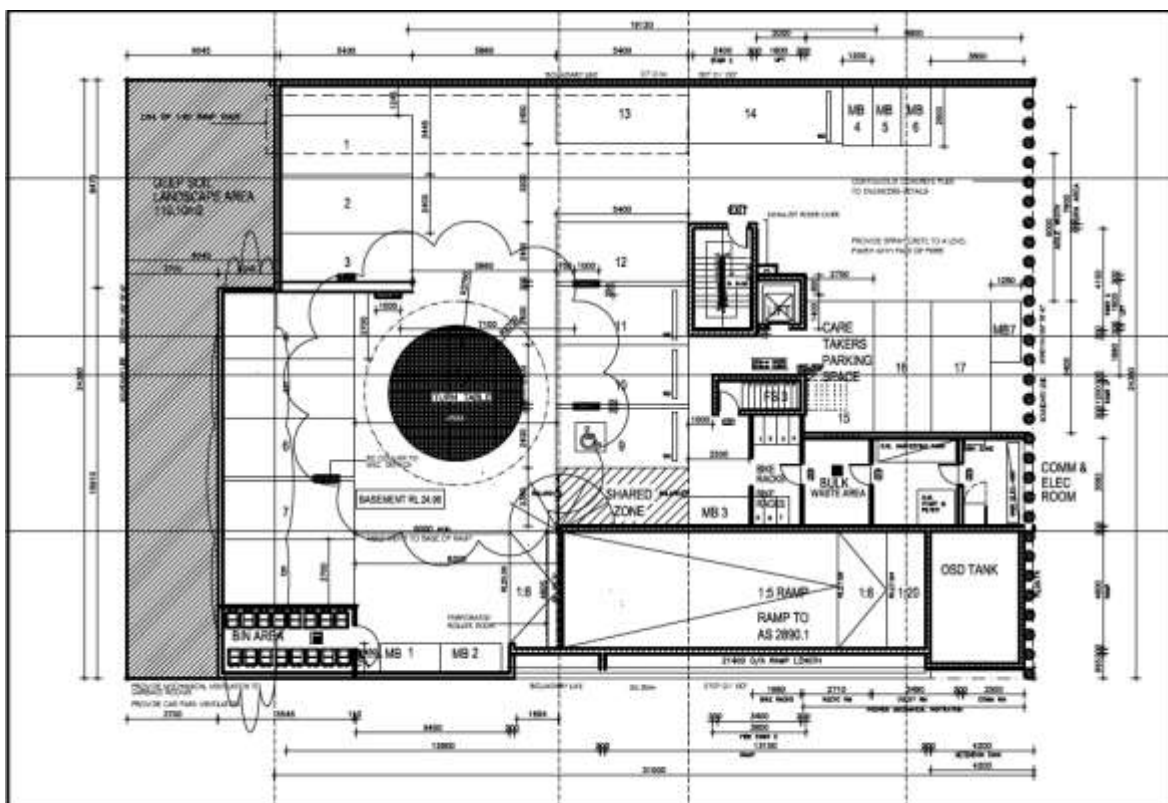


Figure 2: Approved basement plan (DA2018/46/2)

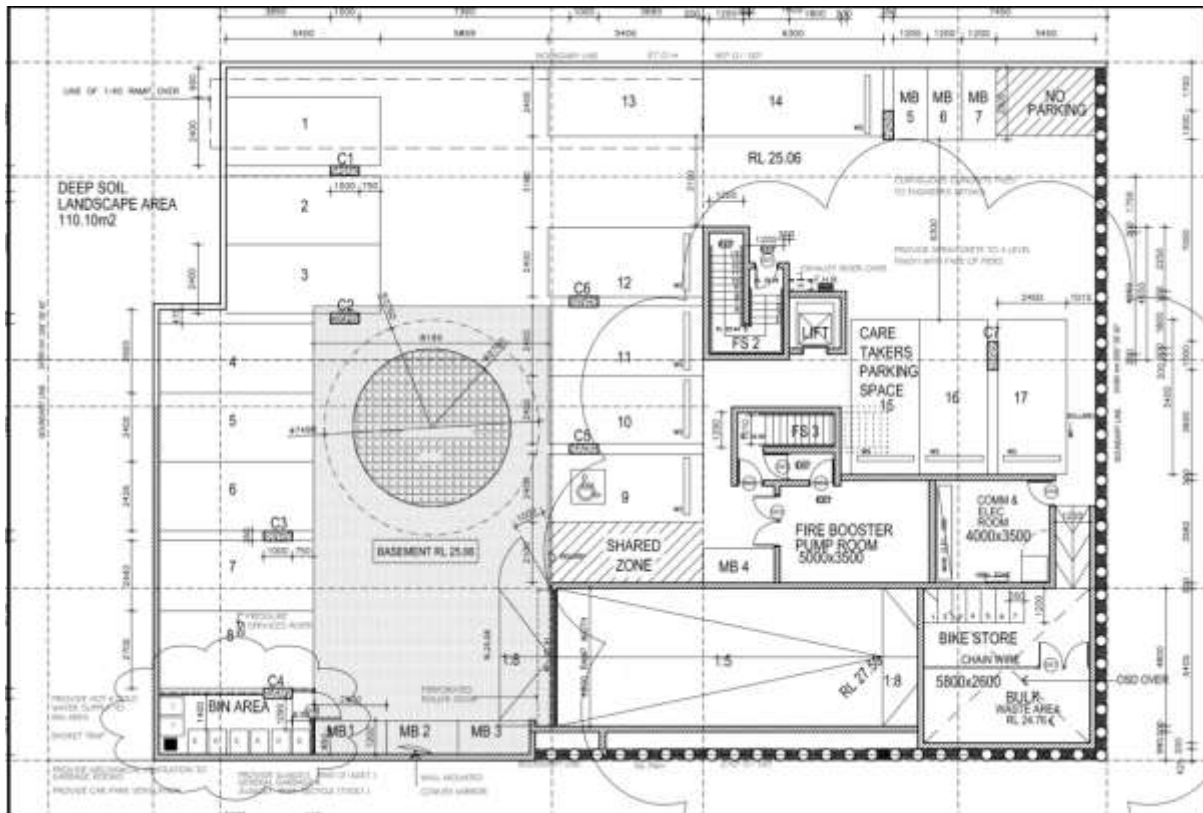


Figure 3: Proposed basement plan

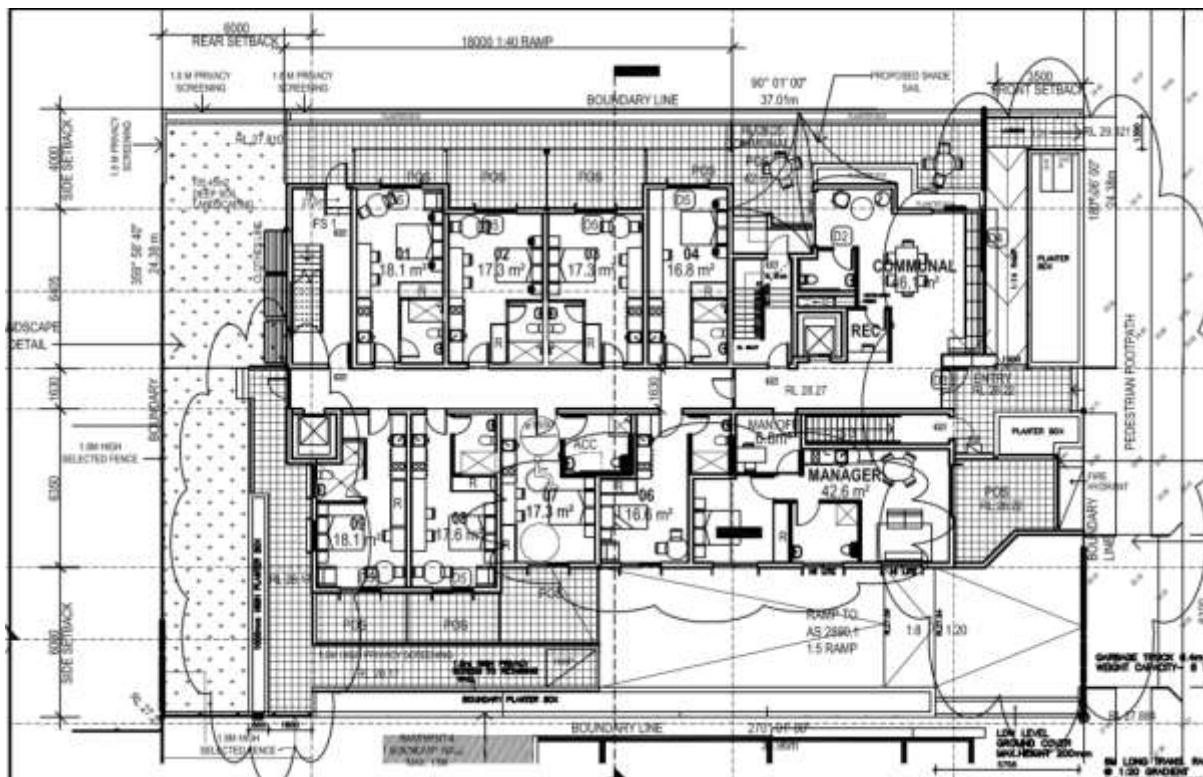


Figure 4: Approved ground floor plan (DA2018/46/2)

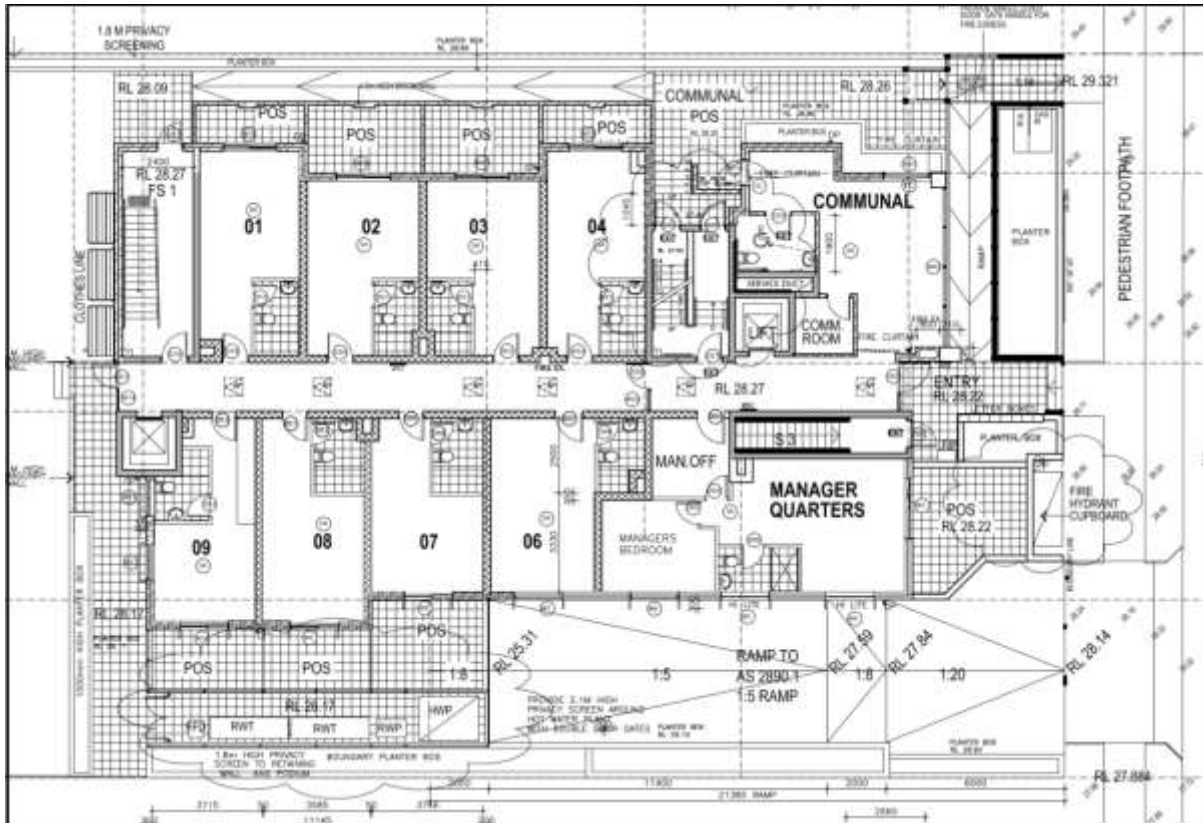


Figure 5: Proposed ground floor plan

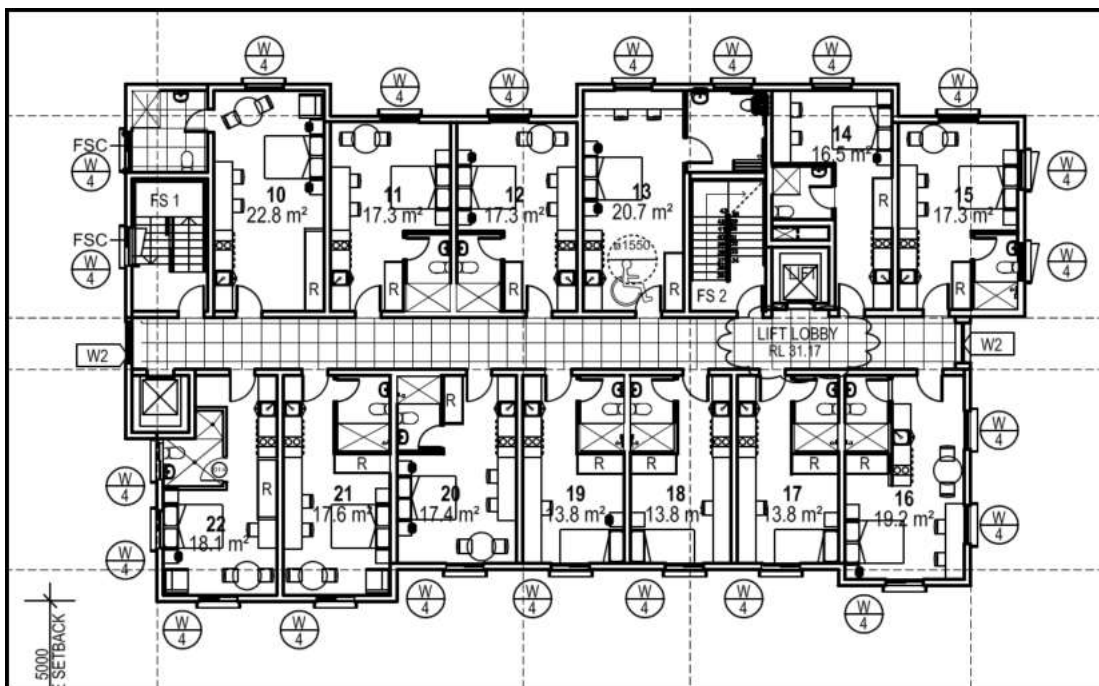


Figure 6: Approved first floor plan (DA2018/46/2)

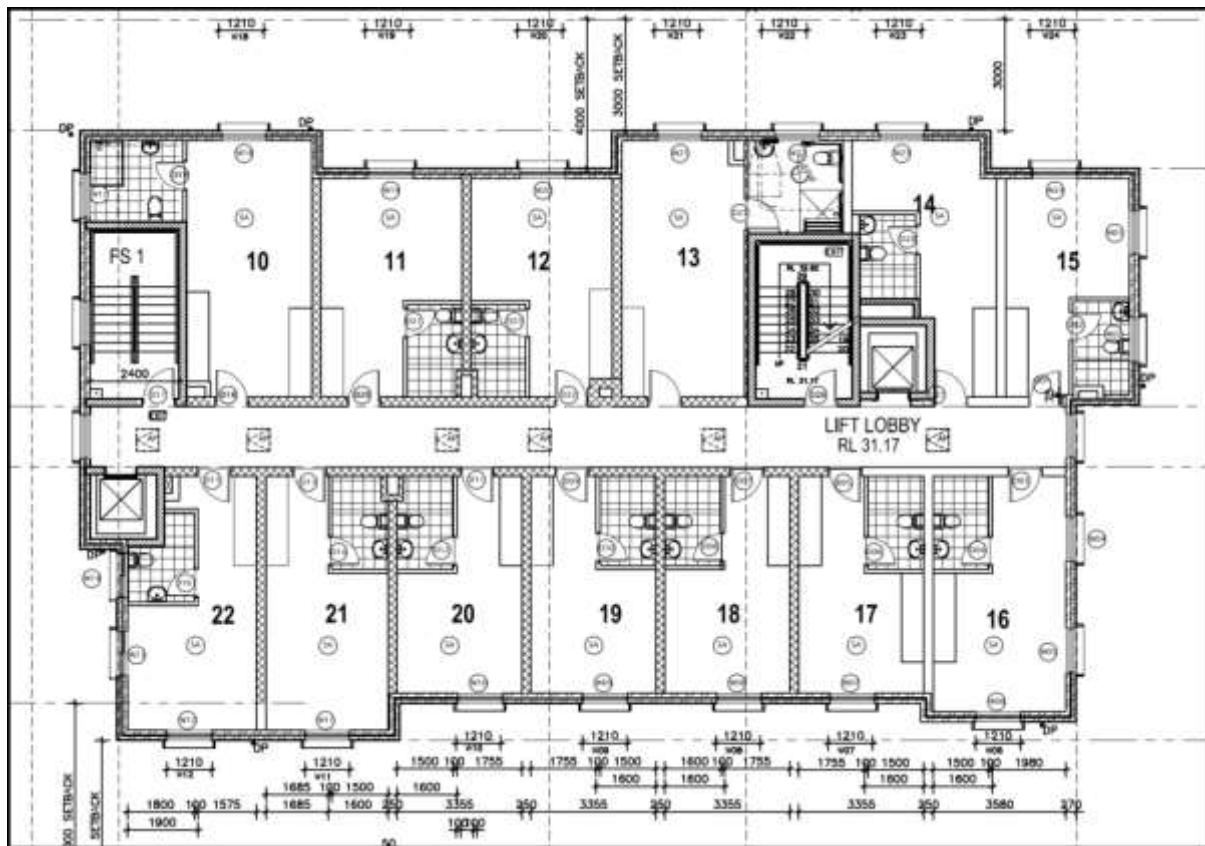


Figure 7: Proposed first floor plan

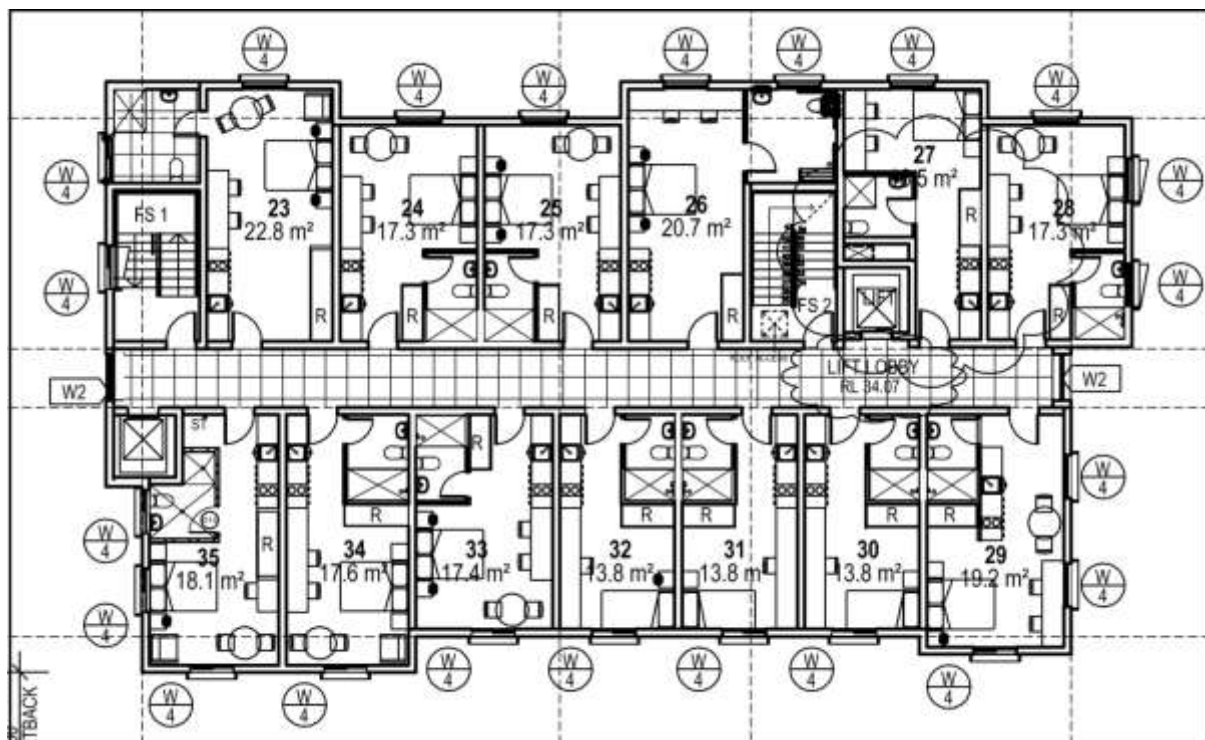


Figure 8: Approved second floor plan (DA2018/46/2)

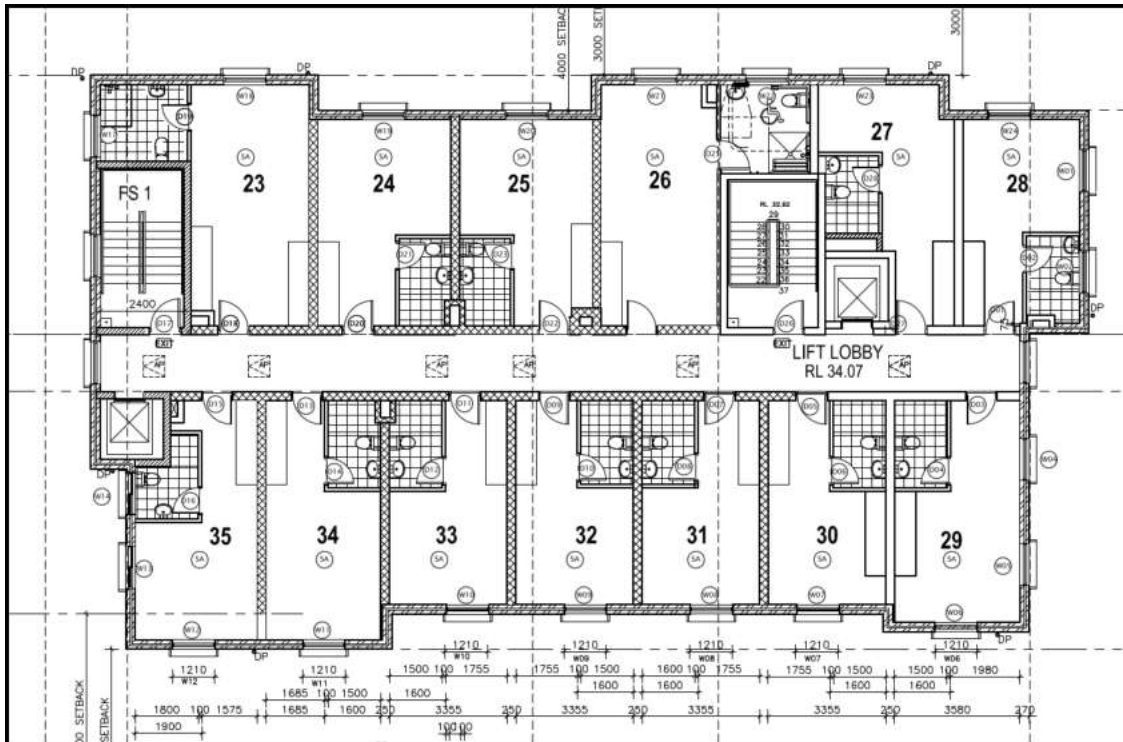


Figure 9: Proposed second floor plan

The Site and Locality

The subject site comprises two (2) parcels of land that and is legally described as Lot: 38 DP: 2043 and Lot: 39 DP: 2043 - commonly known as 251 and 253 Homebush Road STRATHFIELD SOUTH. The site is located on the western side of Homebush Road between Liverpool Road to the north; Holmwood Avenue to the east; Dean Street to the south; and Barton Street to the west. The site is rectangular in shape and has a frontage of 24.38m to Homebush Road to the east, and depth of 37m has a total area of 898m² (by Title).

Existing development on the site comprises two (2) single-storey detached dwelling houses with vehicular access from Homebush Road to each lot with a shared crossover. Adjoining development to the north comprises a four-storey mixed use apartment building at 247-249 Homebush Road and a single-storey dwelling at 255 Home Bush Road to the south

The current streetscape is characterised by a mixture of single and two-storey detached dwelling houses to the south, east, and west of the site. Development to the north comprises commercial premises and mixed use apartment development along Liverpool Road.



Figure 10: Existing dwellings at 251 & 253 Homebush Road



Figure 11: Existing dwellings at 253 (right) & 255 (left) Homebush Road



Figure 12: Existing mixed use development at 247-249 Homebush Road

Background

6 December 2018	SLPP granted Deferred Commencement consent to DA2018/46 for the demolition of existing structures and construction of a three (3) storey boarding house consisting of thirty-five (35) rooms including one (1) Manager's room set above one basement car parking level containing seventeen (17) car parking spaces, landscaping and associated site works.
19 March 2019	Council issued a letter notifying the applicant that the Deferred Commencement matters had been satisfied.
6 August 2020	Section 4.55(2) modification application for alterations and additions to an approved boarding house including reconfiguration of basement level was approved by the Strathfield Local Planning Panel
6 September 2021	The subject modification application (DA2018/46/3) was lodged.
30 September 2021	End of neighbour notification period.
19 October 2021	A Council letter request for additional information (RFI) was issued to The Applicant. A revised BASIX certificate and amended stormwater drainage plans were requested.

Note: A number of internal referral comments were still outstanding including Traffic and Building and Compliance.

27 October 2021	Additional information was requested regarding the removal of kitchen facilities within all resident rooms on the proposed modification plans. Confirmation was received from the Applicant that this was an error and kitchen facilities would be retained as per DA2018/46/2 approved plans.
28 October 2021	Amended stormwater plans and revised BASIX were submitted by the Applicant via the NSW Planning Portal.
10 November 2021	Traffic referral comments received.
29 November 2021	A site inspection completed by the Assessing Officer to measure the potential impacts of the proposed brick fence with the adjoining properties.
30 November 2021	Final Engineering comments received for the amended stormwater drainage plans.

Referrals – Internal and External

Building and Compliance

The subject application was referred to Council's Building Compliance Officer who provided the following comments:

"I have some concerns about; the omission of the kitchen facilities from the plans. The BCA Vol 1 does not require that kitchen and laundry facilities be provided to a Class 3 building (boarding house short term accommodation). If it is the intent of the consent for these facilities to be made available I suggest that the consent is conditioned to incorporate the provision of kitchen and laundry facilities and that modified plans are submitted to address the requirement as trying to retrofit a building to provide these services at a later time can have huge implication on the health and amenity of the building and its occupants."

Confirmation was received from the Applicant that all kitchen facilities would be retained as per DA2018/46/2 approved plans.

Stormwater

The subject application was referred to Council's Development Engineer who provided the following comments:

"I have reviewed the stormwater management plan prepared by United Consulting Engineers issue C drawing no. 19MB8045/D01-19MB8045/D02 sheet 1-2 of 2 dated 26.10.2020 relating to the application...From an engineering perspective, concept plan is feasible."

Traffic

The subject application was referred to Council's Traffic Manager who provided the following comments:

"[T]he attached modification of the carpark and the associated vehicular access have been assessed against AS/NZS 2890 and are considered to be satisfactory."

Waste

The subject application was referred to Council's Traffic Manager who provided the following comments:

"Waste has read the above application and supporting documents and recommends that Waste Management Plan is amended and resubmitted, together with Boarding House Plan of Management and written evidence from private waste collection contractor, to comply with standard conditions and above comments."

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,***

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)

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

A Stage 1 Preliminary Environmental Site Investigation and Geotechnical Investigation Report was submitted with the original development consent indicated no significant contamination. No additional investigation is required to support the proposed modifications.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

SEPP (ARH) 2009 adopts the LEP definition of *boarding house*, as follows:

“boarding house means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.”*

The development as proposed to be modified is consistent with the definition above, with conditions of consent imposed under the parent application (DA 2018/46) and subsequently modified (DA 2018/46/2) modifications requiring the development to be strictly used as a boarding house as defined under the SEPP (ARH) 2009 and the SLEP 2012.

An assessment of the development against the development standards for boarding houses under the *ARH SEPP 2009* is presented in the table below.

Clauses	Development Standards	Proposed	Compliance
29(1)(c) FSR	Per SLEP 2012: 1.4:1 FSR Bonus: 0.5:1 Total: 1.4:1 + 0.5:1 = 1.90:1	No change to the approved: 1.20:1 (1,085.08m ²)	Yes
29(2)(a) Height	Maximum height permitted under SLEP 2012 = 11m	No change to the approve: 10.8m The increase in building height is attributed to the lift overrun.	Yes
29(2)(b) Landscaping to front	Landscaping treatment of front setback to be compatible with streetscape.	The landscape treatment of the front setback as modified remains consistent with the streetscape.	Yes
29(2)(d) Private open space	Minimum 8m ² (at least 2.5m wide) for manager.	The proposed modification does not alter the Manager's Quarters private open space is 12.8m ² exceeding the requirements.	Yes
29(2)(e)(ii)(a) Car parking	0.5 spaces per room plus one per employee that resides onsite.	The proposed basement reconfiguration retains the number of car parking spaces approved under the original development consent.	Yes
29(2)(f) Minimum accommodation size	Minimum accommodation size (excluding kitchenette and bathroom): 12m ² for single lodger 16m ² for doubles	All lodger rooms meet the minimum accommodation size requirements.	Yes
30(h) Motorcycle and bicycle parking	One (1) bicycle space and one (1) motorcycle spaces per five (5) rooms. Therefore = 7 spaces of each are required.	The basement plan as modified provides seven (7) motorcycle and seven (7) bicycle spaces.	Yes

30A Character of local area	Design of the development is compatible with the character of the local area.	The development as modified is compatible with the character of the local area, appropriate in terms of bulk and scale and providing an appropriate transition to the adjoining low density residential land to the south and west.	Yes
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The development as modified satisfies all relevant provision of the abovementioned SEPPs.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum height permitted under SLEP 2012 = 11m	No change to the approved: 10.8m	Yes
4.4 Floor Space Ratio	Per SLEP 2012: 1.4:1 FSR Bonus: 0.5:1 Total: 1.4:1 + 0.5:1 = 1.90:1	The ARH SEPP 2009 overrides the Floor Space Ratio provisions contained within the SLEP 2012. No change to the approved: 1.20:1 (1,085.08m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

Clause 5.10 of the SLEP 2012 requires the consent authority to consider the effect of the proposed development on the heritage significance of a heritage item or heritage conservation area.

Traversing the site in an east/west direction is the state heritage listed *Pressure Tunnel* under the *NSW Heritage Act 1977*. The Pressure Tunnel is of State heritage significance as it represents a successful engineering response to the difficulties of providing a dependable water supply during the inter-war period. The Pressure Tunnel is located from Potts Hill (Canterbury-Bankstown LGA) to the Waterloo Pumping Station (City of Sydney LGA).

Condition No. 18 of DA 2018/46/2, imposes a 3m setback for excavation from the physical infrastructure known as 'Pressure Tunnel and Shafts'. A survey prepared by a suitably qualified surveyor is to be submitted indicating the excavation work associated with the development in relation to the heritage item and approved by Council prior to any works commencing on the site. The amended basement plan makes no significant changes to the basement footprint. The nature of the proposed modifications do not require any additional measures with respect to heritage conservation. The proposal is acceptable in this regard.

Part 6 – Additional Local Provisions

Earthworks

The modification application seeks to raise the basement floor level from RL 24.96 to RL 25.06, however the basement footprint has not increased. Conditions of consent in relation to earthworks were imposed under the parent consent.

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

(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.

PART H – Waste Management (SCDCP 2005)

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

Council's Waste Officer raises no major objections to the proposed development as modified provided and amended Waste Management Plan is resubmitted, together with the Boarding House Plan of Management and written evidence from private waste collection contractor, to comply with standard conditions of consent.

Subject to the recommended modified conditions of consent the proposed modification is acceptable.

PART Q – URBAN DESIGN (SCDCP 2005)

Streetscape

The proposed modification incorporates minor external reconfigurations at the ground level that will not have an adverse impact to the streetscape. The relocation of rainwater tanks, change to solid brick fencing on the north side boundary from basement to podium in front of units 7-9 will not be seen from street view. The proposal is acceptable in this regard.

Building Envelope

The building envelope is relatively unchanged from the DA 2018/46/2 development consent with no building setbacks impacted by the proposed amendments. The building maintains an appropriate transition in height, bulk and scale to the adjoining B4 Mixed Use zoning to the north and R2 Low Density Residential zoning to the south.

Landscaping

The proposed amendments do not alter the landscaping and deep soil area as approved under DA 2018/46/2.

Car Parking and Vehicular Access

The modified configuration of the basement and driveway will enable on-site waste collection by a private waste contractor in the basement level and maintain the 17 car parking spaces approved under the original development consent, seven (7) motorcycle and seven (7) bicycle parking spaces.

(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 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(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 proposed modifications do not result in the increase or change to the contributions imposed on the original consent.

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 SCDCP 2005.

Pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to development consent No.2018/46 involving minor changes to the boarding house including amendments to basement and ground floor levels, new side fencing and provision of fire hydrant facility be approved subject to the following conditions except were amended as below.

1. The proposed modifications do not result in the change to the description of the approved development and is to be maintained.
2. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted
 - (i) Modify Condition 2 to include resubmission of amended SWP and POM.
 - (ii) Modify Condition 19 to include amended plans and documents
 - (iii) Modify Condition 19 to delete reference to DA 2017/138
 - (iv) Add Condition 19A requiring all internal kitchen and living facilities to be provided to rooms as per DA 2018/46/2 plans schedule

Accordingly, development consent 2018/46/3 is approved as per the following:



Signed:

**G I Choice
Planner**

Date: 6 December 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 application.

Report and recommendations have been peer reviewed and concurred with.



Signed:

**Patrick Santos
Planner**

Date: 7 December 2021

SPECIAL CONDITIONS (SC)

1. BIN STORE (SC)

The proposed bin store shall be amended to provide 9 x 240L general waste bins and 3 x 240L recycling bins. Plans are to be suitably amended to demonstrate compliance with this requirement, prior to the issue of the Construction Certificate.

(Reason: To ensure compliance with Part H of SCDCP 2005.)

2. WASTE COLLECTION (SC)

An amended shall be resubmitted, together with an amended Boarding House Plan of Management and written evidence from private waste collection contractor.

Bins are prohibited from being presented kerbside for collection. Bins are to be collected directly from the bin store from within the premises. Evidence of a written agreement between the applicant and the private waste collector is to be provided to Council, prior to the issue of any Construction Certificate.

Evidence that all relevant standards are satisfied with regards to waste collection in terms of internal height clearance of the basement, turning circles, manoeuvrability and ability for the waste collection vehicle to exit the site in a forward direction are to be provided to Council and the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To minimise traffic impacts on the surrounding road network and to maintain streetscape amenity.)

MODIFIED: DA2018/046/03 10 December 2021

3. EXTERNAL MATERIALS (SC)

The proposed FB2 Face Brick – 'Miro' is to be replaced with FB1 Face Brick: 'Gamet'. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: To achieve greater consistency with adjoining residential development.)

4. BOARDING HOUSE – APPROVED USE (SC)

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of thirty-five boarding rooms (plus one Manager's Room). This includes 28 x double rooms (maximum 2 persons per room) and 7 single rooms (maximum 1 person per room). No more than 63 lodgers are to be present on the site at any one time.

All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Strathfield Local Environmental Plan 2013 and SEPP (ARH) 2009.

The approved boarding house must operate within the definition of 'boarding house' under SLEP 2012 and SEPP (ARH) 2009. The approved boarding house cannot be strata or community title subdivided.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time.)

5. BOARDING HOUSE – CONSTRUCTION OF (SC)

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;
- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To ensure compliance with relevant legislation.)

6. RESTRICTION AS TO USER OF THE BUILDING (SC)

Prior to the issue of any Occupation Certificate, a restriction as to user is to be registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of the subject property for the purposes of a boarding house, as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009.

7. CONSTRUCTION NOISE MANAGEMENT PLAN (SC)

A Construction Noise Management Plan (CNMP) is to be prepared prior to any works commencing (including demolition) to limit the impact on nearby residences.

The CNMP is to be prepared in accordance with the guidance provided in AS2436-2010 and the Interim Construction Noise Guideline, and submitted to the Principal Certifying Authority, prior to the commencement of any works.

(Reason: In accordance with the recommendation of the Noise Assessment Report, prepared by DK Acoustics Pty Ltd, dated 20 March 2018.)

8. NOISE FROM PLANT EQUIPMENT (SC)

Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed in a sound proof enclosure.

Once the carpark ventilation plant and air conditioning plant are selected, the submitted Noise Assessment Report is to be updated to include a noise assessment of the selected plant, demonstrating compliance with any applicable guidelines including those of the Environmental Protection Authority (EPA). The drawings accompanying the Construction Certificate application shall demonstrably comply with any recommendations of the amended Noise Assessment Report.

(Reason: To mitigate any adverse acoustic impacts to the adjoining properties).

9. LOCATION OF PLANT EQUIPMENT (SC)

No roof plant is to be installed, without the prior approval of Council. Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed and integrated with the design of the development, concealed from adjoining properties and the public domain and designed in accordance with any relevant standards and the Building Code of Australia.

(Reason: To ensure the proposed development does not contravene the 11m height control under SLEP 2012, and to mitigate any adverse visual impact on the surrounding area.)

10. CLOTHES DRYING FACILITIES (SC)

Clothes drying facilities are to be provided at the rear of the property and integrated into the design of the development.

(Reason: To mitigate any adverse visual impact on the streetscape).

11. TREE PROTECTION MEASURES (SC)

Trees 1, 4, 5, 12 and 13 in the submitted Arboricultural Impact Assessment Report prepared by Advanced Treescape Consulting dated 09/03/2018 shall be retained and protected in accordance with the tree protection recommendations contained within the Report.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

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

12. CANOPY TREES IN THE FRONT SETBACK (SC)

At least two (2) canopy trees are to be provided within the front setback adjacent the front boundary. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 6m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

13. GEOTECHNICAL REPORT RECOMMENDATIONS (SC)

The recommendations contained within the Geotechnical Investigation Report prepared by Geo Environmental Engineering, dated 08/03/2018, are to be fully complied with.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority.

(Reason: Site stability).

14. ROOF DRAINAGE PLAN (SC)

The Stormwater drainage concept plan does not reflect roof runoff drainage to the OSD tank. An amended concept plan is required to address this inconsistency, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer).

15. BASEMENT PUMP WELL (SC)

The contributing catchment to the pump well system is to be limited to the basement access ramps and subsoil drainage only. The stormwater concept plan is to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

16. COUNCILS DRAINAGE INFRASTRUCTURE (SC)

Driveway crossings, including the apron and layback are to be located a minimum of 1m clear of any stormwater pits, lintels or poles and 2m clear of the trunk of any trees within the road reserve. The concept stormwater plans shall be amended to demonstrate compliance, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

17. SYDNEY WATER APPROVAL - PRESSURE TUNNEL AND SHAFTS (SC)

Prior to any works commencing on the site (including demolition), written confirmation is to be obtained from Sydney Water confirming that the proposed development will not have any adverse impact on the pressure tunnel and shafts, which traverse the site in an east/west direction.

(Reason: To ensure that the proposed development will not have any adverse impact on the Pressure tunnel and shafts).

18. PRESSURE TUNNEL AND SHAFTS (SC)

No excavation is to be within 3m surrounding the physical infrastructure known as 'Pressure Tunnel and Shafts'. A survey prepared by a suitably qualified surveyor is to be submitted indicating the excavation work associated with the development in relation to the 'Pressure Tunnel and Shafts'. The survey is to be submitted and approved to the satisfaction of Council prior to any works commencing on the site.

(Reason: To ensure that the proposed excavation will not have any adverse impact on the significance of the State heritage listed pressure tunnel and shafts).

GENERAL CONDITIONS (GC)

19. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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
Basement Plan	1541-002	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Ground floor	1541-003	23 July 2020	Issue B, Rev D1	Design Studio 407

		20 August 2021	Issue D, Rev D	
Level 01 First Floor Plan	1541-004	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Level 02 Second Floor Plan	1541-005	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Roof plan Proposed Roof Plan	1541-006	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Sections southern boundary fence elevation Proposed Elevations North & South	1541-007	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Sections Proposed Elevations North & South	1541-008	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Elevations north & south Proposed Sections 1	1541-009	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Elevations east & west Proposed Sections 2 Southern Boundary and Fence Elevation	1541-010	23 July 2020 20 August 2021	Issue B, Rev D1 Issue D, Rev D	Design Studio 407
Fire Stair 2 Section Stair Details	1541-012	20 August 2021	Issue D, Rev D	
Landscape – Ground floor	L/01'H'	23 July 2020	Rev J	A Total Concept
Ground floor drainage plans & details	D01	26 June 2020	Issue B	United Consulting Engineers

Basement drainage plan & details	D02	26 June 2020	Issue B	United Consulting Engineers
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~~Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/138:~~

MODIFIED: DA2018/046/03 10 December 2021

Document	Reference No.	Date	Revision	Prepared by
Traffic and Parking Assessment Report	-	25 June 2020	-	Varga Traffic Planning Pty Ltd
Noise Assessment Report (Ref 180226)	-	20/03/2018	-	DK Acoustics Pty Ltd
Arboricultural Impact Assessment	-	09/03/2018	-	Advanced Treescape Consulting
Waste Management Plan	-	July 2020	-	Dickens Solutions
Geotechnical Investigation Report	1541-006	08/03/2018	Rev 01	Geo-Environmental Engineering
Stage 1 Preliminary Site Investigation	1541-007	07/03/2018		Geo-Environmental Engineering
BASIX Certificate	916883M	26 October 2021	04	AENEC

In the event of any inconsistency, the conditions of this consent shall prevail.

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

MODIFIED: DA2018/046/03 10 December 2021

19A. PROVISION OF KITCHEN/LIVING AND LAUNDRY FACILITIES (GC)

Plans shall incorporate the provision of kitchen and living facilities to all residential rooms; and laundry facilities as approved under per DA 2018/46/2.

ADDED: DA2018/046/03 10 December 2021

20. CONSTRUCTION HOURS (GC)

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.)

21. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

22. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

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

23. DEMOLITION - SITE SAFETY FENCING (GC)

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 \$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 provided to Council (Note: The policy is to note Council as an interested party).

(Reasons: Statutory requirement and health and safety.)

24. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)

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.)

25. LANDSCAPING (GC)

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, and tree management plan as applicable.

a) The following trees shall be retained

Trees reference in Arborist Report	Species	Location
Tree 1	<i>Tristanopsis laurina</i> (Water Gum)	Road reserve
Tree 4	<i>X Cupressocyparis leylandii</i> (Leyland Cypress)	Rear boundary of No. 251 Homebush Road
Tree 5	<i>Syzygium australe</i> (Brush Cherry)	Rear boundary of No. 251 Homebush Road
Tree 12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear boundary of No. 253 Homebush Road
Tree 13	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear boundary of No. 253 Homebush Road

b) The following trees on the subject site may be removed:

Tree reference in Arborist Report	Tree	Location
Tree 2	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Front setback
Tree 3	<i>Juniperus spp.</i> (Juniper)	Adjacent southern side boundary of No. 251 Homebush Road at the rear.

Tree 6	<i>Cotoneaster glaucophyllus</i> (Grey-leaved Cotoneaster)	Rear boundary of No. 251 Homebush Road
Tree 7	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Rear boundary of No. 251 Homebush Road
Tree 8	<i>Ligustrum lucidum</i> (Glossy Privet)	Adjacent northern side boundary of No. 251 Homebush Road at the rear.
Tree 9	<i>Leptospermum</i> spp. (Fine Leaf Tea Tree)	As above.
Tree 11	<i>Murraya paniculata</i> (Orange Jessamine)	Centre of site
Tree 14	<i>Casuarina glauca</i> (Swamp She-oak)	Rear boundary of No. 253 Homebush Road

(Reason: To ensure landscaping is in accordance with the approved Landscape Plan.)

26. LANDSCAPING - TREE PRESERVATION (GC)

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, 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.)

27. LANDSCAPING (GC)

The principal contractor or owner must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

(Reason: To ensure that all landscaping work is completed prior to issue of the Final Occupation Certificate.)

28. LIGHTING (GC)

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.)

29. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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.)

30. SITE MANAGEMENT - DURING DEMOLITION AND CONSTRUCTION WORKS (GC)

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, include nature strips 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 non-disruptive to the local area.)

31. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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.)

32. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

33. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

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.)

34. BASIX COMMITMENTS (CC)

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.)

35. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

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.)

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 (CC)

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.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) 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.

viii) 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:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
 - 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:

- the date and time when asbestos removal works will commence;
- the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- the full name and license number of the asbestos removalist/s; and
- the telephone number of WorkCover's Hotline 13 10 50
- 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

- 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.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

38. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or

can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement)

39. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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.)

40. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) 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).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) 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.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) 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.
- ix) 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 (CC)

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:

- i) Protect and support the adjoining premises from possible damage from the excavation, and
- ii) Where necessary, underpin the adjoining premises to prevent any such damage.

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. FIRE SAFETY SCHEDULE (CC)

A Fire Safety Schedule specifying the fire safety measures which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

43. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

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 SCDGP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

44. SECTION 7.11 CONTRIBUTION PAYMENT (CC)

In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-

2030, 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	\$ 46,529.06
Provision of Major Open Space	\$ 211,693.28
Provision of Local Open Space	\$ 46,584.78
Provision Roads and traffic Management	\$10,742.76
Administration	\$ 4,012.09
TOTAL	\$ 319,561.97

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.)

45. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate. The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to

infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

46. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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.)

47. VENTILATION SYSTEMS (CC)

Any natural or mechanical ventilation systems shall be designed, constructed and installed in accordance with the following:

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

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 any proposed ventilation system complies with the relevant requirements/standards.)

48. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZ 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre- line of the roadway through to the parking area.

- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) **or 2600mm along the travel path for waste vehicles** demonstrating compliance with the provisions of AS/NZS 2890.1:2004
- iii) Longitudinal section along the gutter line showing how it is intended to transition vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

49. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and with Australian/New Zealand standard 2890.6 2009 parking facilities, off street Parking for people with disabilities.

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.)

50. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Provision of a vehicle turntable shall be made in accordance with Drawing No. 1541-002 Rev D1 dated 16 July 2020.

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

51. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)

Garbage rooms or grease arrester 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.)

52. WORKS WITHIN THE ROAD RESERVE (CC)

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 4-10 Albert Road 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.)

53. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

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.)

53A. ENCLOSURE OF FIRE HYDRANT

Prior to the issue of a construction certificate the certifying authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS2419.1 2005

(Reason: To protect the appearance of the streetscape)

53B. WATER AND GAS METERS

An amended landscape plan is to be submitted to the principal certifying authority prior to the issue of a construction certificate demonstrating that access is provided to the water and gas meters but they are not to be visually apparent from the street.

(Reason: To protect the appearance of the streetscape)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

54. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

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 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.)

55. NOTICE OF COMMENCEMENT (CW)

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 (DW)

56. CONTAMINATED LAND UNEXPECTED FINDS (DW)

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.)

57. FILL MATERIAL (DW)

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

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) 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.)

58. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

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.)

59. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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.)

60. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION (DW)

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 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 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.)

61. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

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 inform work, or the laying of roofing materials.
- iii) At the completion of the development.

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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

62. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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.)

62A. POSITIVE COVENANT FOR MECHANICAL PARKING INSTALLATIONS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the mechanical parking installations (vehicle turntables, car lifts, ramp traffic signal system, car stackers, etc.). On completion of construction work, mechanical parking installations are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- i) Compliance with conditions of development consent relating to mechanical parking installations including vehicle turntables, car lifts, ramp traffic signal systems, and car stackers.
- ii) That the works have been constructed in accordance with the approved design.
- iii) Binding the owners and future owners to be responsible for ongoing maintenance required in terms of the mechanical parking installations.

(Reason: To ensure the mechanical parking installations are maintained to an appropriate operational standard.)

63. ENGINEERING WORKS (CERTIFICATION OC)

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.)

64. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

A fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) Has been assessed by a properly qualified person; and
- ii) Was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) Submitted to Strathfield Council;
- ii) Submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) Prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

65. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)

As part of the on-going assessment of the tree/s to be retained on the site and road reserve, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) Methods of excavation or construction used to carry out the works;
- ii) Any damage sustained by the tree/s as a result of the works;
- iii) Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

66. OCCUPATION OF BUILDING (OC)

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.)

67. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

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.)

68. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

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

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)

69. ENGINEERING WORKS - CERTIFICATION OF WORK AS EXECUTED (SC)

Prior to the issue of the Subdivision Certificate, 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 all engineering works including the provision of services, drainage, driveways and earthworks have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council.

(Reason: To ensure adequate access and services have been provided for the new lots.)

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES (OU)

70. FIRE SAFETY ANNUAL STATEMENT (OU)

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)

71. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)

An Operational Plan of Management is to be formulated and submitted to Council for approval, prior to the issue of any Occupation Certificate.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc.
- ii) All the responsibilities of the Caretaker/Manager.
- iii) An Incident Register to be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- iv) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc. can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate and commencement of the use.

The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (iii) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

(Reason: To minimise the impact of the use on surrounding residences.)

72. BOARDING HOUSE - ONGOING USE OF (OU)

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
 - is wholly or partly let in lodgings, and
 - provides lodgers with a principal place of residence for 3 months or more, and
 - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
 - Boarding Houses Act 2012;
 - Boarding Houses Regulation 2013;
 - Local Government Act 1993; and
 - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
- v) No speakers or music is permitted outdoors or in the communal areas

(Reason: To minimise the impact of the boarding house on surrounding residences.)

73. VEHICULAR ACCESS (OU)

All vehicles must enter and leave the site in a forward direction, at all times.

(Reason: To ensure traffic safety.)

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 prior to the date specified in this determination, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.