

## IDAP REPORT – SECTION 4.55(1A) MODIFICATION

<b>Property:</b>	144 Parramatta Road HOMEBUSH Lot 8 DP 1262238 DA2019/57/5
<b>Proposal:</b>	Section 4.55(1A) Modification for internal and external changes to a mixed use development comprising residential apartments with ground floor pub and landscaping.
<b>Applicant:</b>	Mecone NSW Pty Ltd
<b>Owner:</b>	136 Parramatta Road Homebush Pty Limited
<b>Date of lodgement:</b>	6 August 2021
<b>Notification period:</b>	No Notification
<b>Submissions received:</b>	N/A
<b>Assessment officer:</b>	J W Brown
<b>Estimated cost of works:</b>	\$25,658,964.00 (original application) \$Nil (proposed modification)
<b>Zoning:</b>	B4-Mixed Use - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



Figure 1: Aerial image of the subject site

## **EXECUTIVE SUMMARY**

### **Proposal**

Approval is being sought for the modification of development consent DA2019/57 for the Section 4.55(1A) modification for internal and external changes to a mixed use development comprising residential apartments with ground floor pub and landscaping.

### **Site and Locality**

The site is identified as 144 Parramatta Road Homebush and has a legal description of Lot 8 in DP 1262238. The site is a regular shaped parcel of land and is located on the south side of Parramatta Road.

The site has a width of 30.17m, a depth of 50.29m and an overall site area of 1,516m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of large sites used as sales yards and showrooms, mixed use development and walk-up flats. The Parramatta Road corridor is undergoing a transition towards higher density development.

### **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 not notified in accordance with Council's Community Participation Plan as the amendments are unlikely to cause additional environmental impacts.

### **Issues**

- Communal open space area

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2019/57/5 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 2019/57 for the Section 4.55(1A) Modification for internal and external changes to a mixed use development comprising residential apartments with ground floor pub and landscaping.

More specifically, the proposal includes;

- A reconfiguration of the basement levels, changing the design to a flat slab with localised ramps
- A redesign of the car parking and storage, the addition and relocation of utilities within the 3 levels of basement
- Changes to the layout of condensers on the roof, the required screening extends 300mm above the 32m height plane
- Minor façade changes including a blade column on the north east corner of the building, reduction in height to rear eastern windows at level 4, blade wall added to western balconies (level 1-5) adjacent to western boundary and other small facade changes
- Reconfiguration of the ground floor which includes changes to the sports bar, courtyard, VIP Lounge, waste collection areas and loading dock.
- Other changes have been made for structural reasons and have limited impact on the overall design.

### **The Site and Locality**

The subject site is legally described as Lot 8 in DP 1262238 and commonly known as 144 Parramatta Road, Homebush. It is located off the southern side of Parramatta Road, and is bound by Loftus Lane to the east and south, a six (6) storey shop top housing development to the west. The site comprises a 30.17m width frontage (by survey) to Parramatta Road, side boundary length of 50.29m and a total site area of 1,516m<sup>2</sup>.

The site slopes from west to east and has a cross-fall of approximately 2.46m and has now been cleared of a former bulky goods store and car sale yard, which were both present during assessment of the parent application. The current site is under construction.

The surrounding locality is generally characterised by a mixture of large sites used as sales yards and showrooms, mixed use development and walk-up flats. The Parramatta Road corridor is undergoing a transition towards higher density development. Lower density housing including detached dwellings and townhouses are located to the rear (south) of the site across Loftus Lane. Augustus Loftus Reserve is also located to the rear of the site, across Loftus Lane. The site is located approximately 600m walking distance from Homebush Railway Station.



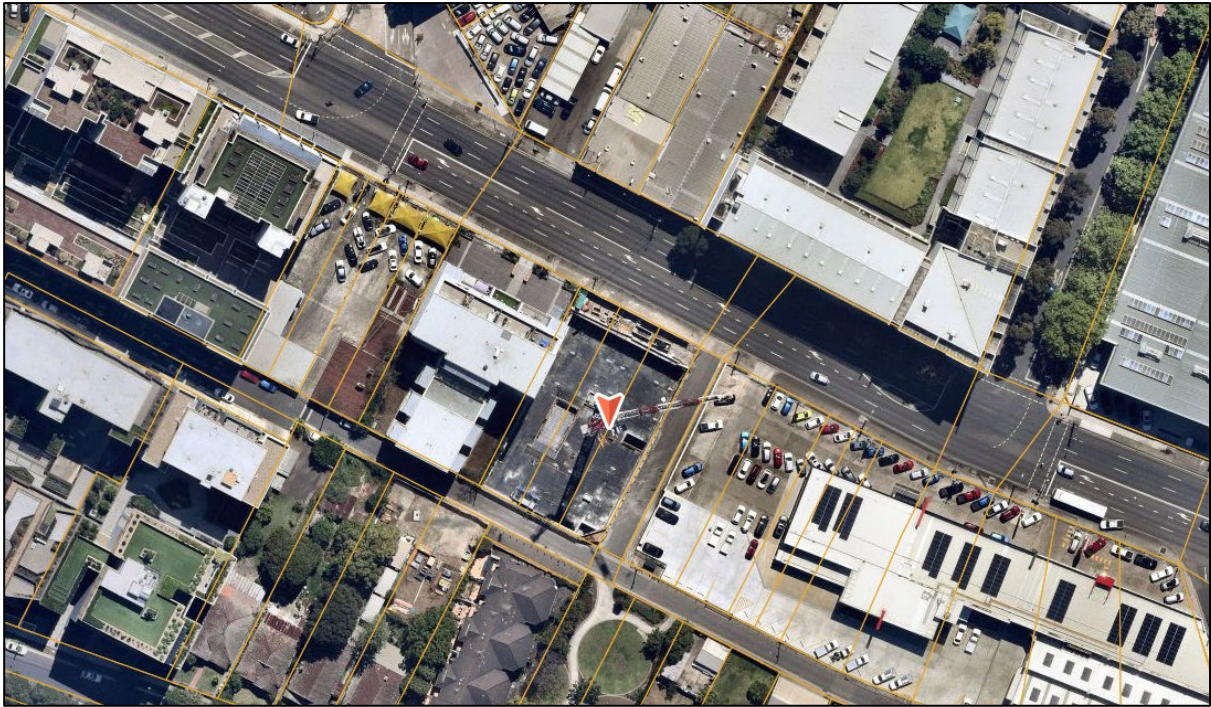


Figure 2: Closer image of the subject site (Near Maps 4 Oct 2021)

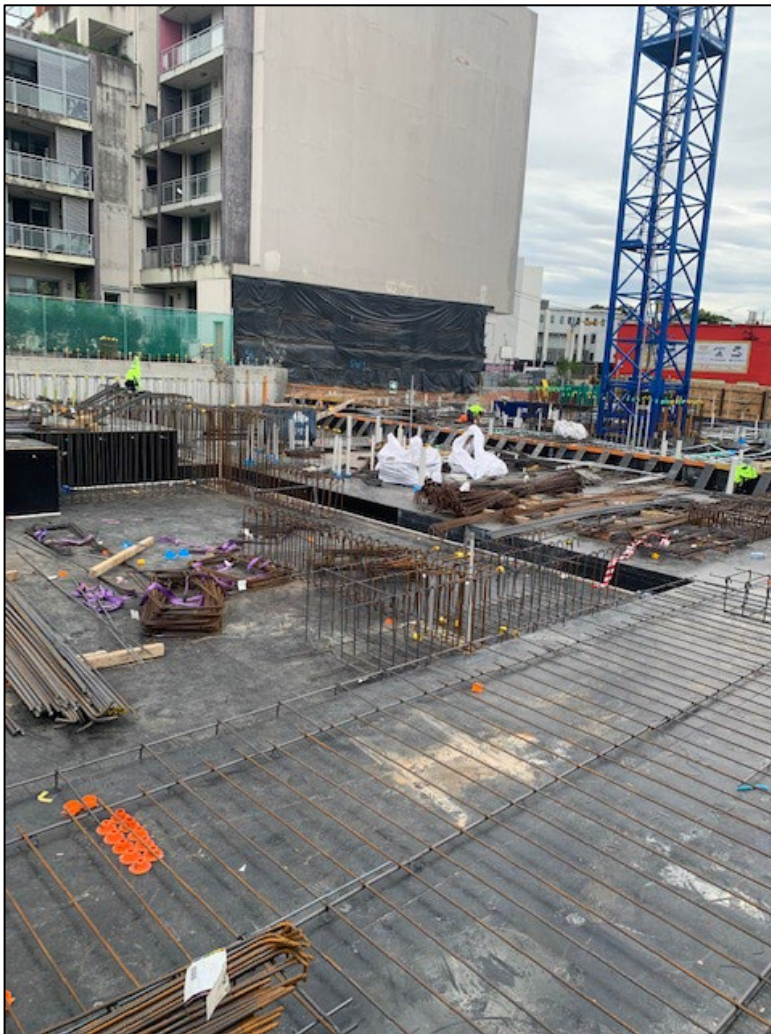


Figure 3: Site currently under construction facing North West





Figure 4: Site currently under construction facing south

### **Background**

15 April 2019	The parent development application (DA2019.057) was lodged to Council and approved by SLPP on the 7 November 2019.
18 February 2021	A modification application S4.55 (2) (DA2019.57.4) was lodged to Council to change the serviced apartments to residential apartment plus minor associated physical changes. The application was approved on the 1 July 2021 by SLPP
6 August 2021	The subject modification application S4.55 (1A) (DA2019.57.5) was lodged with Council
29 October 2021	An additional information request was uploaded to the NSW Planning Portal for the following:

	<ul style="list-style-type: none"> <li>• Communal Open space cannot be reduced in size and must remain the same as previous approval</li> <li>• An updated collection Vehicle Swept Path needs to be provided for within the Waste Management Plan</li> <li>• Written evidence of the valid contract for regular commercial collection and disposal of waste</li> </ul>
10 November 2021	<p>The following information was received:</p> <ul style="list-style-type: none"> <li>• An updated communal open space plan</li> <li>• An updated Waste Management Plan and MRV Truck Path</li> </ul>
16 November 2021	<p>The following information was received</p> <ul style="list-style-type: none"> <li>• Private Waste Contractor Statement</li> </ul>
19 November 2021	Council's Planner carried out a site visit

### **Referrals – Internal and External**

#### **Development Engineers Comments:**

The application was referred to Council's Development Engineer who reviewed the revised stormwater plans and offered no objection subject to the conditions of consent.

#### **Environmental Project Officer – Waste Comments:**

The application was referred to Council's Environmental Project Officer - Waste who offered no objection to revised plans subject to the conditions of consent. An updated Waste Management Plan was also provided to the project officer.

#### **Development Traffic Engineering Officer Comments:**

The application was referred to Council's Traffic Engineering Officer who reviewed the revised plans and had concerns with the proposed disabled parking arrangements within the basement car park. The existing conditions within the consent will address this concern.

#### **Development Compliance Officer Comments:**

The application was referred to Council's Development Compliance Officer who reviewed the revised plans and offered no objection subject to the conditions of consent.

### **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. In addition, under the provisions of s4.55 (3), the reasons for the granting of 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 No. 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT)**

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Strathfield Council does not have a design review panel referred to under Clause 28 however utilises the services of a Design Review Panel (DRP) formed at Canada Bay Council. Notwithstanding, considering the minor physical changes proposed, the Application was not referred to the DRP.

An assessment of the design quality of the modified development against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide (ADG) has been undertaken in the table below:

**Design Quality Principles under Schedule 1 of SEPP 65**

Principle	Objective	Proposed
<b>Principle 1: Context and neighbourhood character</b>	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including</p>	<p><b>Satisfactory.</b></p> <p>The physical appearance of the approved development is largely unchanged by the proposed modifications</p>

	sites in established areas, those undergoing change or identified for change.	
<b>Principle 2: Built form and scale</b>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and</p>	<b>Satisfactory.</b> As above
<b>Principle 3: Density</b>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<b>Satisfactory</b> No changes to approved densities.
<b>Principle 4: Sustainability</b>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep</p>	<b>Satisfactory</b> Small changes to the design has improved on balcony sizes and overall façade of the proposal. Overall the design has maintained its original approved design



	soil zones for groundwater recharge and vegetation.	
<b>Principle 5: Landscape</b>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Objective Proposed Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><b>Satisfactory</b></p> <p>The overall landscape has been maintained including the main communal open space on Level 5 of the proposal.</p>
<b>Principle 6: Amenity</b>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><b>Satisfactory</b></p> <p>All apartments maintain the approved unit and balcony dimensions with provision for storage and acceptable layouts.</p>
<b>Principle 7: Safety</b>	Good design optimises safety and security within the	<b>Satisfactory</b>

	<p>development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>A more defined entry point for residents has been made on Loftus Lane allowing for a more positive relationship between the public and private spaces.</p>
<b>Principle 8: Housing diversity and social interaction</b>	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><b>Satisfactory</b> The proposal maintains the same number of units as well as the communal open space.</p>
<b>Principle 9: Aesthetics</b>	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape</p>	<p><b>Satisfactory</b> The eastern façade has greatly improved especially on ground level, responding well to the evolving streetscape. Minor changes to the other facades have also improved the overall appearance of the proposal.</p>

### **Apartment Design Guide Quality Design of Residential Flat Buildings**

Design Criteria	Required	Proposed	Compliance
-----------------	----------	----------	------------

3B Orientation	<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>Proposal maintains or improves responsiveness to on the site responsiveness</p> <p>No major changes that will increase overshadowing which has been assessed in original DA</p>	<p>YES</p> <p>YES</p>
3C – Public Domain Interface	<p>Transition between private and public domain is achieved without compromising safety and security</p> <p>Amenity of the public domain is retained and enhanced</p>	<p>The approved design has been assessed as compliant with the requirements under Part 3C.</p> <p>The legibility of eastern façade has improved with decorative pattern on the hopper windows creating visual interest and meeting the condition in the consent</p> <p>The modification has improved the interface between the public and private domain</p>	YES
3D – Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June</p> <p>Consolidated area Min dimension of 3m Equitable access.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> <li>- Provide communal open space elsewhere such as</li> </ul>	<p>Site Area: 1516m<sup>2</sup> 25% Requirement: 379m<sup>2</sup> Proposed 350m<sup>2</sup></p> <p>Possibly acceptable reduction</p> <p>Original DA 194m<sup>2</sup> Modification 350m<sup>2</sup></p>	NO (acceptable as no change from previous modification)



	<p>a landscape rooftop terrace;</p> <ul style="list-style-type: none"> <li>- Provide larger balconies or increased private open space'</li> <li>- Demonstrate good proximity to public open space and facilities.</li> </ul>		
3E Deep Soil Zones	Min. 7% 6m min. dimension	Minor changes to landscape plan, three trees still proposed on the northern boundary of the site	YES
3F – Visual Privacy	<p>Up to 4 storeys:</p> <ul style="list-style-type: none"> <li>(i) 12m between habitable rooms/balconies</li> <li>(ii) 9m between habitable and non-habitable rooms</li> <li>(iii) 6m between nonhabitable rooms</li> </ul> <p>Up to 8 storeys:</p> <ul style="list-style-type: none"> <li>(iv) 18m between habitable rooms/balconies</li> <li>(v) 12m between habitable and non-habitable rooms</li> <li>(vi) 9m between nonhabitable rooms</li> </ul>	Proposal maintains the same building separations as original application (DA2019/57)	YES unchanged
3G Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The residential entry fronting Loftus Lane has been amended in prior modification making entryway clearly identifiable and legible	YES
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscape	Small change in gradient and an addition of speed bump will improve interface of driveway with pedestrians on the street	YES
3J Bicycle and Car Parking	<p>Within 800m of a railway station</p> <p>Min RMNS Rate Applies 20 or more units</p> <p>1 bedroom: 0.6 spaces (27 x 0.6 = 16.2)</p>	No change has occurred to the number car spaces provided at 93 and no change has occurred to the apartment sizes therefore the surplus of car spaces remain	YES

	<p>2 Bedrooms : 0.9 spaces (31 x 0.9 = 27.9)</p> <p>3 Bedroom: 1.4 spaces (5 x 1.4 = 7)</p> <p>Visitor 1 per 5 units (63 / 5 = 12.6)</p> <p>Total requirement = 51 residential spaces and 13 visitor spaces</p>	the same as accepted in the original application and the subsequent modification.	
4A – Solar and Daylight Access	<p>Min. 70% of units receive 2 hours solar access. Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.</p>	<p>Minor adjustments to façade of building including small change to balcony width level 3 and level 6 as well as a structural column up the north eastern corner of the building. These a minor and unlikely to affect the overall solar and daylight access that was supported in the original application and the subsequent modification</p>	YES
4B – Natural Ventilation	<p>Ventilation Min. 60% units are cross ventilated Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.</p>	<p>The minimum requirement is maintained and been assessed in the original and the subsequent modification</p>	YES
4E – Private Open Space and Balconies	<p>Studio: 4m<sup>2</sup> 1 bed: 8m<sup>2</sup>, min depth 2m 2 bed: 10m<sup>2</sup>, min depth 2m 3 bed: 12m<sup>2</sup>, min depth 2.4m</p>	<p>A small increase of 1m<sup>2</sup> in the northern facing balconies is an improvement. Prior balconies and private open spaces were already compliant in prior applications thus this modification is an overall improvement</p>	YES
4G – Storage	<p>Studio: 4m<sup>3</sup> 1 bed: 6m<sup>3</sup> 2 bed: 8m<sup>3</sup></p>	<p>The proposal provides a mixture of storage within the units and</p>	YES

	3 bed: 10m <sup>3</sup> At least 50% within the basement	the basement. The basement configuration has been altered with some removal of storage  Reasonable as it is still compliant	
4M – Facades	Composition of building elements. Defined base, middle and top Building services integrated into the façade	Improvement to the eastern façade with the decorative pattern on hopper windows.  Clear delineation between base, middle and top of building and screening mechanical roof plant.	YES
4W Waste Management	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents  Domestic waste is minimised by providing safe and convenient source separation and recycling	Acceptable subject to conditions of consent	YES

### **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	Approved Development	Development Proposal	Compliance/ Comment
4.3 Height of buildings	16m – rear portion of the site 22m - portion of the site fronting Parramatta Road	17m	17m	NO



4.3A Exceptions to height of buildings (Parramatta Road Corridor)	32m - portion of the site fronting Parramatta Road	32.2	32.2m	NO
4.4A Exceptions to floor space ratio (Parramatta Road Corridor)	3.15:1 (4775m <sup>2</sup> )	3.15:1 (4775m <sup>2</sup> )	3.15:1 (4775m <sup>2</sup> )	YES

**Comment:** Overall building height was considered in the original application and was considered acceptable. The subject modification adds additional screening for the mechanical roof plant most of which is below the 32m height plane. The screening is unlikely to be seen from the ground and will have a limited impact to the overall design. It will improve the overall aesthetic appearance of the rooftop by screening the roof plant. Therefore, this addition to the non-compliance is acceptable in these circumstances.

## Part 5 – Miscellaneous Provisions

### Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

### Flood Planning

The subject site has been identified as being at or below the flood planning level. The application as modified has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

## Part 6 – Additional Local Provisions

### Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

### Earthworks

The proposed modifications involves changes to the excavation works for the provision of a basement, driveway ramps and ancillary works. The earthworks provision were assed under the parent application (DA2019/57). The proposed modification does not affect compliance with these local provisions and all relevant conditions of consent will be retained within the modified NOD.

### Essential Services

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

### **Additional provisions for development in Parramatta Road Corridor**

The additional provisions were assessed under the parent application (DA2019/57). The proposed modification does not affect compliance with the additional provisions and all relevant conditions of consent will be retained within the modified NOD

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

### **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

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

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

A BASIX Certificate has been issued for the original development, the conditions of consent provide requirement to lodge an updated BASIX certificate if required. No updated BASIX certificate has been provided for this application thus the original still applies.

### **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.

The parent application included a detailed assessment against the requirements of SEPP 55, considering the outcomes of a Preliminary Site Investigation and established conditions of consent to ensure the recommendations of the PSI are acted on and the site made suitable for development should contaminants be found. The conditions will not be impacted by the proposed modification and accordingly, the objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

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

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

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

*(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In regards to Clause 101(a), the parent application included an assessment of subclauses 'a', 'b' and 'c', determining that each subclause was satisfied and TfNSW raised no objection in regards to compliance with Clause 101.

The parent application was also identified as traffic generating development under Clause 104 of the Infrastructure SEPP. The proposed modification does not alter the approved access arrangement for the development. Accordingly, the requirements of the SEPP are considered satisfied.

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

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

***(iii) any development control plan,***

#### **STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN NO 20 – PARRAMATTA ROAD CORRIDOR AREA**

DCP – 20 is of relevance to the assessment of an application for a residential flat building within the Parramatta Road Corridor Area and as such applies to the subject application

Clause 6(1) of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,



- (g) natural ventilation,
- (h) storage,
- (i) parking

These matters, as of relevance to the application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory. The remaining matters of relevance provided in the DCP were addressed in the assessment of the parent application. The proposed modification results in minor physical changes to the approved development, accordingly only the relevant DCP controls have been addressed in the table below.

Section	Development Control	Required	Proposed	Compliance
2.5	Roof Form	Lift and service plant concealed within roof Structure.	Addition of plant room, will be concealed and not be able to be seen at ground level, screening provided around it	YES
		Provide an interesting skyline and enhance views from adjoining Development	Acceptable	YES
2.6	Façade Composition	Entrance should be distinguishable in the façade.	The residential entrance of Loftus Lane was improved in the prior modification application and therefore is still acceptable	YES
		Facades should maintain a human scale to the street by incorporating appropriate architectural features	Assessed under original development application, the modifications are minor and therefore still meet the approved outcome	YES
		Materials and finishes should blend together with min. 30% to incorporate face brickwork	As above	YES

		Consider the use of glass in facades on northern and western elevations in terms of glare impacts	As above	YES
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	ADG prevails	YES
		Main living areas oriented to the street or rear garden to prevent overlooking	ADG prevails	YES
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	This has been determined as satisfied by Council's Compliance Officer	YES
		Buildings designed and sited to minimise transmission of noise to adjoining developments	<p>The residential component is unlikely to generate noise.</p> <p>Conditions of consent are recommended to limit the noise from the proposed pub, and use of the front courtyard will be restricted after 8pm to minimise noise impacts to neighbouring properties.</p> <p>These conditions are unchanged under the modification.</p>	YES
		Developments adjoining major road or railway line to consider potential noise impacts	Proximity to Parramatta Road addressed in acoustic report and by conditions of consent.	Yes subject to conditions

		Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings	Secured separate entries proposed and improved under the proposed modification.	YES
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Casual surveillance encouraged through balcony orientation to overlook the public domain and centrally located open space area	YES
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG Prevails	YES
		Retain and protect existing significant trees.	The existing site is mostly hard paved and devoid of vegetation. However, there are three (3) trees located on the site which are all proposed to be removed. This includes a semi mature Camphor (Tree 1), a Privet tree (Tree 2) and a Cypress pine (Tree 3). The parent application was accompanied by an Arboricultural Report which concluded that all of these trees are of low significance and would be recommended for removal irrespective of the proposed development. Council's Tree Coordinator agreed with this recommendation.	YES

		Each contiguous landscape area shall provide large trees.	Three (3) trees were proposed in the front setback under the parent application and the modified plans maintain provision of these trees	YES
		Trees and pergolas to shade external areas and control sunlight into buildings.	Three (3) trees provided within the front setback and an awning provided over a portion of the front courtyard.	YES
		<p>Proposal to provide common open space to the following dimensions:</p> <p>10% of site or 100m<sup>2</sup> (whichever is greater);</p> <p>Min dimensions of 7m;</p> <p>Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment;</p> <p>Located behind front setback</p>	ADG prevails	N/A
	Balconies	<p>Dwellings without ground level open space shall have balconies to the following requirements:</p> <ul style="list-style-type: none"> <li>• 12m<sup>2</sup> up to 2 bed; and</li> </ul>	ADG Prevails	N/A

		<ul style="list-style-type: none"> <li>• 15m<sup>2</sup> for 3 or more bed; Min. dimension of 2.0m;</li> </ul> <p>Located off living areas and with good solar access; and</p> <p>Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.</p>		
2.10	Solar Access	Main living and 50% of POS receive min. 3 hours solar access	ADG prevails	N/A
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Stormwater assessed, revised plans were assessed by Council's Stormwater Engineer who was satisfied with the amendments meeting the Council's Stormwater Management Code.	YES
2.12	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	YES
		Adequate parking for people with mobility disabilities	The proposal maintains the number of accessible parking spots to cater towards adaptable units (refer below	YES
		A minimum of 15% of the total number of dwellings within	Configuration of parking has changed but the required 15% is still	YES



		every multiple unit development must be designed in accordance with Australian Standard AS 4299 – Adaptable Housing (Class C) to ensure units are internally designed to allow occupation by older people and people with disabilities.	provided. Which amounts to 10 parking spots	
2.13	Vehicle Access and Parking	Accessible parking provided.	To satisfy the BCA	YES
		Car parking to be provided on the following basis:  Residential 1 and 2 bed – 1 space 3 bed – 1.5 spaces required  Visitor – 1 space per 5 units	ADG prevails	Acceptable
		Commercial To comply with Part I of SCDCP 2005	To comply with Part I of SCDCP 2005 and unchanged by the proposal.	See SCDCP 2005
2.14	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Changes to design, of basement and ramp. Still appropriate	YES
2.16		Dilapidation report for all adjoining development	No details provided	Yes by way of condition

#### **PART I – Provisions of Off-Street Parking Facilities (SCDCP 2005)**

In regards to Part I of SCDCP 2005, the parking rates for the approved club/pub and residential apartments were assessed as compliant under the parent application and subsequent modification application. With 16 spaces for the club/pub and 77 parking spaces for residents. There has been no changes to number of parking spaces in the subject modification even with changes to the configuration of the basements. Thus still satisfying the requirements of Part I.

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

The proposed changes to the configuration and size of the waste management areas has been assessed by Council's Environmental Project Officer who found the changes to be acceptable subject to the existing conditions in regards to the requirements set out under Part H.

**(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 parent application incorporated a detailed assessment of the social impacts with regards to the approved pub/sports bar, making reference to a social impact assessment lodged with DA2019/57. With consideration of the residents on site and wider community, and with a particular focus on the impacts associated with sale of packaged liquor and gaming machines. These impacts were considered acceptable. The modification has reconfigured the ground floor improving the functionality of the pub/sport bar. This change is unlikely to cause impacts to ground floor use of the building and the conditions of consent will remain the same for the pub/sports bar.

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. No significant changes have occurred to affect the overall development's suitability for the site and was considered acceptable in the parent development application.

**(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 not placed on neighbour notification as it was considered unlikely to result in additional environmental impacts.

**(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 does not result in the increase or change to the contributions imposed on the original consent. Other than the quarterly indexation of the contribution fee, which will be updated on the receipt of payment.

### **Conclusion/Recommendation**

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

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 2019/57 modification for internal and external changes to a mixed use development comprising residential apartments with ground floor pub and landscaping, be approved.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of Development Consent No. 2019/57 as approved for demolition of existing structures and construction of a mixed use development comprising a pub and residential apartments above 3 levels of basement parking, except were amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
  - Modified Condition 13 – Approved Plans and documents
  - Modified Condition 39 – Car parking – Basement Car Parking Requirements (*To marry approved plans with conditions of consent*)
  - Modified Condition 44 – Car parking – Vehicular Crossing width at Property Boundary (*Change 3m to 8.5m to match with approved plans*)
  - Modified Condition 100 – Engineering Works (Certification Of) (*To help separate OCs within the process of building*)
  - Modified Condition 104 – Stormwater – Certification of the Constructed Drainage System (*To help separate OCs within the process of building*)
  - Modified Condition 105 – Stormwater – Covenant and Restriction as to User for Stormwater Controlled Systems (*To help separate OCs within the process of building*)

Accordingly, Development Consent 2019/57/5 is approved as per the following;

**Signed:**  
**J W Brown**  
**Planner**

**Date: 17/01/2021**

- ☒ 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



**Signed:**

**Louise Gibson  
Senior Planner**

**Date: 17/01/2021**

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

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

## **DEVELOPMENT DETAILS**

The modified conditions are detailed below:

### **1. PEDESTRIAN FOOTPATH**

Prior to the issue of an Occupation Certificate, a footpath with a minimum width of 1.2m must be constructed within the boundaries of the site for the full length of the western side boundary which adjoins Loftus Lane.

In addition to the construction of the footpath, prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that an unconditional right of way has been registered on the land that:

- ☐ allows for unconditional public access and use of this pedestrian pathway at all times for the lifetime of the development; and
- ☐ the pedestrian pathway is to be provided and perpetually maintained at no cost (including construction, legal, ongoing maintenance, upkeep, liability and the like that may burden financially or otherwise) to the Council.

Reason: To provide safe pedestrian access to and from the site, and to improve and retain accessibility in the surrounding area.

### **2. CROSS VENTILATION**

All units shown as cross ventilated on the stamped plans must have the awning window detail installed as shown on the cross ventilation diagram sheet. This detail must be included in the construction certificate drawings and submitted to the principal certifying authority prior to issue of a construction certificate.

### **3. EASTERN FACADE**

The eastern façade fronting Loftus Lane of the 10-storey front component of the building is to be redesigned to give greater visual interest. This may be through the use of varying materials, colours, incorporation of a green wall, or the like. Amended plans are to be submitted to, and approved by the Council prior to the issue of a Construction Certificate.

(Reason: To improve the visual interest on a portion of the building which is highly visible in the streetscene).



#### **4. ACID SULFATE SOILS**

Prior to discharge of any water from the site, water must be sampled and analysed in accordance with the Acid Sulfate Soils Manual.

If results of the sample indicate presence of actual acid sulfate soils or potential acid sulfate soils as defined in the Acid Sulfate Soils Manual, a detailed acid soil sulfate assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development or that an Acid Sulfate Soil Management Plan is required. The detailed assessment or Acid Sulfate Soil Management Plan shall be submitted to the Principal Certifying Authority, and implemented prior discharge of any water.

(Reason: Compliance and Environmental Protection.)

#### **5. DELETED DA2019.57.4 1 July 2021**

#### **6. ACOUSTIC REPORT**

The applicant must submit to Council for its approval an acoustic report prepared by a suitably qualified and experienced acoustic consultant. The acoustic report must:

- i. Contain background readings taken in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” long-term measurement. The background readings must include full details on how meteorological conditions were monitored.
- ii. Background readings must be reported in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” for long-term measurement.
- iii. Identify all noise producing aspects of the proposed development.
- iv. Identify all external noise sources that may impact on the amenity of the residential properties of the development
- v. Demonstrate the suitability of any assumptions used in the acoustic report, via the provision of references or validating data.
- vi. Recognise and provide variation for the impact of alcohol on any crowd noise.
- vii. Identifying which areas of the development are indoor areas and outdoor areas.
- viii. Propose effective and quantifiable noise control measures to control noise emitted from the premises to a levels required in condition 98 – Noise Use (Licenced Premises)
- ix. Propose effective noise intrusion attenuation measures to maintain noise within residential areas of the development. The noise intrusion attenuation measures must comply with:
  - Strathfield Consolidated DCP 2005

- NSW Department of Planning 'Development near Rail Corridors and Busy Roads (Interim Guide) 2008
- State Environmental Planning Policy (Infrastructure) 2007
- intrusion – Building siting and construction'
- Australian and New Zealand AS/NZS 2107:2016 'Recommended design sound levels and reverberation times for building interiors'

A construction certificate is not to be issued until Council has written to the applicant indicating acceptance of the acoustic report and its recommendations.

The applicant must comply with all requirements of the acoustic report as accepted by Council.

(Reason: To comply with statutory requirements).

#### **6B. ACOUSTIC REPORT (REQUIREMENTS PRIOR TO OC)**

Prior to obtaining an Occupation Certificate, acoustic compliance certificates must be submitted to Council by a duly qualified acoustic engineer demonstrating the performance of proposed flooring and glazing in the license premises located on ground floor complies with the noise level requirements as stipulated under the Australian and New Zealand Standard entitled "AS/NZS 2107, Acoustics—Recommended design sound levels and reverberation times for building interiors"

Reason: The close proximity of the proposed location of ground floor license premises to the apartments located directly above may severely compromise environmental impact (noise & vibration) on occupants of the residential apartments above.

### **INTEGRATED DEVELOPMENT – WATER NSW**

#### **7. GENERAL TERMS OF APPROVAL – WATERNSW**

The development is to be undertaken in accordance with the General Terms of Approval provided by WaterNSW for the proposed development at the subject site. This includes the following:

A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site.

Water NSW prefers "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. drainage blanket behind the water-proof membrane)

If the basement is not "tanked", the proponent will require a Water Access License (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater.

(Reason: To comply with WaterNSW's General Terms of Approval.)

## **RMS**

### **8. WITHIN BOUNDARIES OF THE SITE**

All buildings and structures (other than pedestrian awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.

(Reason: To comply with RMS requirements).

### **9. RIGHT- HAND MOVEMENTS**

Right turn movements from Loftus Lane into Parramatta Road will not be permitted. As such, 'No Right Turn' signage should be installed. All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

(Reason: To comply with RMS requirements).

### **10. STORMWATER DESIGN**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.gov.au](mailto:development.sydney@rms.gov.au). A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

(Reason: To comply with RMS requirements).

### **11. DEMOLITION AND CONSTRUCTION**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.

(Reason: To comply with RMS requirements).

### **12. ROAD OCCUPANCY LICENCE**

A Road Occupancy License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.

(Reason: To comply with RMS requirements).

## **GENERAL CONDITIONS (GC)**

### **13. APPROVED PLANS**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/057:

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
DA-001 Cover Sheet, Drawing List, Site Location Plan	Squillace	C (S4.55) 17.06.21	17 June 2021
DA-001 Cover Sheet, Drawing List, Site Location Plan	Squillace	D (S4.55) 23.06.21	23 June 2021
DA-012 Site Plan	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-012 Site Plan	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-030 Demolition Plan	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-030 Demolition Plan	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-097 Basement Level Three	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-097 Basement Level Three	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-098 Basement Level Two	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-098 Basement Level Two	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-099 Basement Level One	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-099 Basement Level One	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-100 Floor Plan Ground Level	Squillace	C (S4.55) 18.05.2021	17 June 2021
DA-100 Floor Plan Ground Level	Squillace	D (S4.55) 23.06.2021	23 June 2021
DA-101 Floor Plan Level 1	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-101 Floor Plan Level 1	Squillace	B (S4.55) 23.06.2021	23 June 2021
DA-102 Floor Plan Level 2	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-102 Floor Plan Level 2	Squillace	B (S4.55) 23.06.2021	23 June 2021

DA-103 <del>Floor Plan Level 3</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-103 Floor Plan Level 3	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-104 <del>Floor Plan Level 4</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-104 Floor Plan Level 4	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-105 <del>Floor Plan Level 5</del>	Squillace	C (S4.55) 18.05.2021	17 June 2021
DA-105 Floor Plan Level 5	Squillace	<b>E (S4.55)</b> <b>8.11.2021</b>	<b>8 November 2021</b>
DA-106 <del>Floor Plan Level 6</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-106 Floor Plan Level 6	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-107 <del>Floor Plan Level 7</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-107 Floor Plan Level 7	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-108 <del>Floor Plan Level 8</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-108 Floor Plan Level 8	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-109 <del>Floor Plan Level 9</del>	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-109 Floor Plan Level 9	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-110 <del>Roof Plan</del>	Squillace	C (S4.55) 17.06.2021	17 June 2021
DA-110 Roof Plan	Squillace	<b>D (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-201 <del>North and East Elevations</del>	Squillace	C (S4.55) 18.05.2021	17 June 2021
DA-201 North and East Elevations	Squillace	<b>D (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-202 <del>South and West Elevations</del>	Squillace	C (S4.55) 17.06.2021	17 June 2021
DA-202 South and West Elevations	Squillace	<b>D (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-300 <del>Sections A and B</del>	Squillace	C (S4.55) 17.06.2021	17 June 2021
DA-300 Sections A and B	Squillace	<b>D (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-301 <del>Sections C and D</del>	Squillace	C (S4.55) 17.06.2021	17 June 2021
DA-301 Sections C and D	Squillace	<b>D (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-302	Squillace	A (S4.55)	17 June 2021



Section E		11.11.2020	
DA-302 Section E	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-450 Storage Plan	Squillace	A (S4.55) 11.11.2020	17 June 2021
DA-450 Storage Plan	Squillace	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
DA-451 Storage Plan	Squillace	A (S4.55) 11.11.2020	17 June 2021
<b>DA-550</b> <b>Adaptable Unit</b> <b>Layout 1</b>	<b>Squillace</b>	<b>A (S4.55)</b> <b>11.11.2020</b>	<b>17 June 2021</b>
<b>DA-551</b> <b>Adaptable Unit</b> <b>Layout 2</b>	<b>Squillace</b>	<b>A (S4.55)</b> <b>11.11.2020</b>	<b>17 June 2021</b>
Cross Ventilation Diagrams	Squillace	A (S4.55) 11.11.2020	17 June 2021
<b>DA-602</b> <b>Cross Ventilation</b> <b>Diagrams</b>	<b>Squillace</b>	<b>B (S4.55)</b> <b>23.06.2021</b>	<b>23 June 2021</b>
LA00 Cover Sheet	Taylor Brammer	<b>F</b> <b>17.05.2021</b>	<b>18 May 2021</b>
LA01 Tree Removal Plan	Taylor Brammer	B 16.09.2019	27 September 2019
LA02 Landscape Plan Ground Level	Taylor Brammer	E 17.05.2021	18 May 2021
LT101 Ground Floor – Levels and finishes Plan	Taylor Brammer	<b>C (4.55)</b> <b>16.07.2021</b>	<b>16 July 2021</b>
LT201 Ground Floor – Planting Plan	Taylor Brammer	<b>C (4.55)</b> <b>16.07.2021</b>	<b>16 July 2021</b>
LA03 Landscape Plan Level 1	Taylor Brammer	B 16.09.2019	27 September 2019
LA04 Landscape Plan Level 2	Taylor Brammer	B 16.09.2019	27 September 2019
LA05 Landscape Plan Level 3	Taylor Brammer	B 16.09.2019	27 September 2019
LA06 Landscape Plan Level 4	Taylor Brammer	B 16.09.2019	27 September 2019
LA07 Landscape Plan Level 5-6	Taylor Brammer	<b>F</b> <b>17.05.2021</b>	<b>18 May 2021</b>
LA08 Landscape Plan Level 7-8	Taylor Brammer	B 16.09.2019	27 September 2019
LA09 Landscape Plan Level 9	Taylor Brammer	B 16.09.2019	27 September 2019

LA10 Planting Character	Taylor Brammer	<b>C</b> <b>17.05.2021</b>	<b>18 May 2021</b>
LD01 Landscape Section and Details	Taylor Brammer	A 13.12.2018	27 September 2019
Sheet 1 of 20 Notes	Thomas Lau and Associates	D 09/19	27 September 2019
<del>Sheet 2 of 20 Ground Floor</del>	<del>Thomas Lau and Associates</del>	<del>D 09/19</del>	<del>27 September 2019</del>
<b>SW20218 Stormwater Layout Plan Ground Floor Level &amp; Details Sheet</b>	<b>Capital Engineering Consultants</b>	<b>P4</b>	<b>25 February 2021</b>
Sheet 3 of 20 Basement Level 1	Thomas Lau and Associates	D 09/19	27 September 2019
<b>SW20218 Stormwater Drainage Plan Basement Level 1 Ceiling</b>	<b>Capital Engineering Consultants</b>	<b>P4</b>	<b>25 February 2021</b>
Sheet 4 of 20 Basement Level 2	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 5 of 20 Basement Level 3	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 6 of 20 Level 1	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 7 of 20 Level 3	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 8 of 20 Level 5	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 9 of 20 Level 7	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 10 of 20 Level 9	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 11 of 20 Level 2	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 12 of 20 Level 4	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 13 of 20 Level 6	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 14 of 20 Level 8	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 15 of 20 Top Floor Roof Plan	Thomas Lau and Associates	D 09/19	27 September 2019
<del>Sheet 16 of 20 OSD and Drainage Section View</del>	<del>Thomas Lau and Associates</del>	<del>D 09/19</del>	<del>27 September 2019</del>
Sheet 17 of 20 On-site Stormwater Detention Tank Details	Thomas Lau and Associates	D 09/19	27 September 2019
SW20218 Stormwater Layout Plan OSD	<b>Capital Engineering Consultants</b>	<b>P4</b>	<b>25 February 2021</b>

Tank Plan and Section Details Sheet			
Sheet 18 of 20 Basement Holding Tank with Mechanical Pump-out System Details	Thomas Lau and Associates	D 09/19	27 September 2019

**MODIFIED DA2019.57.5 21 January 2022**

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/057:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Outsource Ideas P/L	<b>1004649M_02</b> <b>11 November 2020</b>	<b>18 February 2021 (lodged 27/01/21)</b>
<del>Traffic and Parking Assessment Report Ref 19072</del>	<del>Varga</del>	<del>10 September 2019</del>	<del>27 September 2019</del>
Traffic and Parking Assessment Report Ref 21006	Varga	<b>19 July 2021</b>	<b>19 July 2021</b>
<del>Waste Management Plan</del>	<del>Waste Tech Services Pty Ltd</del>	<del>22 October 2020</del>	<del>18 February 2021</del>
Waste Management Plan	Waste Tech Services Pty Ltd	<b>5 November 2021</b>	<b>5 November 2021</b>
Natural Ventilation Statement  WE922-01F02(REV0) – NVS Report	Windtech	2 August 2019	27 September 2019
Apartment Ventilation Strategy  20181399.1/0708A/R0/T T	Acoustic Logic	7 August 2019	27 September 2019
Detailed Acid Sulfate Soil Assessment  Ref E1898-5	Benviron group	September 2019	27 September 2019
<del>Accessibility Assessment Report BCA 2016</del>  <del>No. 183724</del>	<del>City Plan</del>	<del>Rev. 03</del> <del>10 April 2019</del>  <del>Revision: 04</del>	<del>15 April 2019</del>  <del>18 February 2021</del>
Accessibility Assessment Report BCA 2016  No. 183724	City Plan	<b>Rev. 05</b> <b>16/7/2021</b>	<b>19 July 2021</b>

Arboricultural Impact Assessment and Management Plan	George Palmer	February 2019	15 April 2019
Construction Management Plan	Iris	March 2019	15 April 2019
Design Verification Statement	Squillace	10 April 2019	15 April 2019
<b>Design Verification Statement</b>	<b>Squillace</b>	<b>3 December 2020</b>	<b>18 February 2021</b>
Overland Flow Assessment Preliminary Report	Thomas Lau and Associates	-	15 April 2019
<b>Section 4.55 Acoustic Assessment</b>	<b>Acoustic Logic</b>	<b>23 October 2020</b>	<b>18 February 2021</b>

**MODIFIED DA2019.57.5 21 January 2021**

#### **14. CONSTRUCTION HOURS**

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

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

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

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

#### **15. CONSTRUCTION WITHIN BOUNDARIES**

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.)

#### **16. DEMOLITION – GENERALLY**

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.)

#### **17. DEMOLITION - SITE SAFETY FENCING**

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

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

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

(Reasons: Statutory requirement and health and safety.)

## 18. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS

All common and private landscape areas including all planters of new multi-unit dwellings, commercial, mixed-use and industrial development 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.)

## 19. LANDSCAPING - TREES PERMITTED TO BE REMOVED

The following listed trees are permitted to be removed to accommodate the proposed development:

Tree No. in Arborist Report	Tree	Location
1	<i>Cinnamomum camphora</i> <i>Camphor laurel</i>	Centrally between the lots
2	<i>Ligustrum lucidum</i> Privet	Centrally between the lots
3	<i>Chamaecyparis lawsoniana</i> Lawsons Cypress	On the eastern side boundary fronting Loftus Lane

(Reason: To clarify tree removal.)

## 20. TREES IN FRONT SETBACK



The three (3) *Hymenosporum flavum* trees located within the front setback Drawing No. LA02 of the landscape plans prepared by Taylor Brammer and dated 16/09/2019 is to be planted from 300 litre containers. The landscape plans are to be amended to comply

*The landscape plan is generally supported however the proposed feature tree species is not suitable. The site frontage deserves 2 significant feature trees. The Landscape design is to be amended to provide the species Corymbia maculata (Spotted Gum) from 300 litre containers. This information is required prior to the issue of the development consent."*

## 21. ENVIRONMENTAL PROTECTION – TREE

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 Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.

- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

## **22. LIGHTING**

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

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

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

## **23. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE**

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

(Reason: To ensure compliance with this consent.)

## **25. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN**

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

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

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

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

(Reason: Statutory requirement.)

## **26. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- 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) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) 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.
- 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 and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) 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.
- xv) 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.
- xvi) 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.
- xvii) 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.

- xviii) 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.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(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.)

## **27. WASTE – TRACKABLE**

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

(Reason: To ensure compliance with legislation.)

## **28. CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

## **29. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council,

prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

### **30. SYDNEY WATER - TAP IN™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

### **31. UTILITIES AND SERVICES - PROTECTION OF**

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

### **32. TRADING HOURS - PUB**

The maximum trading hours of the pub component of the development shall be as follows:

- ☐ 10am to 12am (midnight), seven days a week



The use of the front courtyard for patrons is restricted after 10pm.

(Reason: Residential amenity.)

### **33. CLOSED CIRCUIT TELEVISION**

The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:

- a) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- b) Recordings must be in digital format and at a minimum of 15 frames per second,
- c) Any recorded image must specify the time and date of the recorded image,
- d) The system's cameras must cover the following area:
  - i) All entry and exit points on the premises,
  - ii) The footpath immediately adjacent to the premises,
  - iii) All publicly accessible area (other than toilets) on the premises.

The licensee must also:

- e) Keep all recordings made by the CCTV system for at least 30 days, and
- f) Ensure that at least one member of staff is on the premises at all times the system is operating who is able to access the fully operate the system, including downloading and producing recordings of CCTV footage, and
- g) Provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

(Reason: Safety and security)

### **34. SIGNAGE**

Warning signs are to be located strategically around the basement, particularly near the access cores and vehicle entry to warn intruders of security measures. Directional signage is also to be located at decision making points (e.g. entry/ egress points) to provide guidance to patrons whilst driving their vehicles.

(Reason: Safety and security)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)**

### **35. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating

compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

### **36. BASIX COMMITMENTS**

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

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 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.)

### **37. BICYCLE STORAGE PROVISION**

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

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

### **38. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH**

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

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

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

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

### **39. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS**

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iv) ~~Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.~~
- v) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

**MODIFIED      DA2019.57.5      21 January 2022**

#### **40. CAR PARKING - DISABLED CAR PARKING SPACES**

Eleven (11) of the car parking spaces, including one (1) for the pub component and ten (10) for the residential component, provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability.)

#### **41. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS**

The following car parking and service vehicle requirements apply:-

- i) 93 car spaces shall be provided on the development site. This shall consist of:
  - ☐ 77 residential spaces, whereby these include:
    - ☐ 68 car parking spaces allocated to the residents (residential SEPP 65 apartments);
    - ☐ 9 car parking spaces allocated to the visitors of the residents (visitors of the residential SEPP 65 apartments)
    - ☐ A minimum of ten (10) of the 77 residential car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1
  - ☐ 16 car parking spaces in association with the pub (including a minimum one car parking space for people with mobility impairment, in accordance with AS 2890.1);
- ii) All car spaces shall be allocated and marked according to this requirement.

- iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- vi) The parking bays shall be delineated by line marking.
- vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- viii) The following traffic control measures shall be implemented on site:-
  - ☐ Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - ☐ Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
  - ☐ One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

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

#### **42. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004**

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

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

#### **43. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS**

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.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

#### **44. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY**

Vehicular crossings are to have a maximum width of ~~3m~~ **8.5m** at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

**MODIFIED                      DA2019.57.5                      21 January 2022**

#### **45. 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 4.19 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.)

#### **46. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN**

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:

- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- 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 **Error! Hyperlink reference not valid.**
  - 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 10m<sup>2</sup> 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 Safety 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.)

#### **47. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND**

##### 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/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing 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.)

### **48. DILAPIDATION REPORT - PRE-COMMENCEMENT**

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

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

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

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

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

#### **49. DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT**

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

(Reason: Safety and traffic management.)

#### **50. DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

#### **51. EROSION AND SEDIMENTATION CONTROL PLAN**

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

- 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.
- vii) 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.)

## **52. EXCAVATION - AFFECTING ADJOINING LAND**

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

- 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.)

## **53. EXCAVATION – DEWATERING**

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited

laboratory or Council for compliance with ANZECC Water Quality Guidelines.

ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.

iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.

iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

#### **54. EXCAVATION – SHORING**

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

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

#### **55. FIRE SAFETY SCHEDULE**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) 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.)

#### **56. GEOTECHNICAL REPORT**

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

#### **57. LANDSCAPING - MAINTENANCE STRATEGY**

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

(Reason: Ensure landscape survival.)

#### **58. LANDSCAPING ON SLAB**

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

(Reason: Ensure landscape survival.)

#### **59. NOISE – VIBRATION**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)



## **60. NOISE – PLANT**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

## **61. NOISE – CONSTRUCTION**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise.

A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

## **62. NOISE AND VIBRATION MANAGEMENT PLAN**

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

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a. Construction noise management levels established using the *Interim Construction Noise Guideline (DECC, 2009)*;

- b. Vibration criteria established using the assessing vibration: *Technical guideline (DEC, 2006)* (for human exposure); and
- c. The vibration limits set out in the German Standard DIN 4150-3: *Structural Vibration- effects of vibration on structures* (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

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

### 63. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 20102030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

	Provision of Community Facilities	\$123,604.40
	Provision of Major Open Space	\$549,232.83
	Provision of Local Open Space	\$357,833.20
	Provision Roads and Traffic Management	\$0.00
	Administration	\$12,703.24

	<p><b>TOTAL</b> <b>\$1,043,373.66</b></p> <p>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.</p> <p>Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.</p> <p>Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.</p> <p>Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.</p> <p>(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)</p>
--	---

#### **64. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE**

A security (damage deposit) of \$33,000.00 (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.)

**65. STORMWATER - RAINWATER RE-USE**

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

(Reason: Compliance and amenity.)

**66. STORMWATER DRAINAGE**

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

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

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

**67. STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS**

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

(Reason: Environmental protection.)

**68. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);

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

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

## **69. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION**

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

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

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

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

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

(Reason: Environmental amenity.)

#### **70. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION**

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

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 4.55 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

#### **71. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION**

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

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

#### **72. VENTILATION SYSTEMS – MECHANICAL**

The mechanical ventilation system is to comply with the following:

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

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

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

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



### **73. WASTE MANAGEMENT PLAN**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield

Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

NOTE: Multi Dwelling Housing Developments requiring communal bin storage and the residential component of shop top housing developments must be inspected by a Councils Waste Officer prior to the issue of an occupation certificate so as to ensure that the correct number of general waste and recycling bins are present, signage is installed and servicing arrangements can be determined.

(Reason: To ensure appropriate management of waste.)

### **74. SPECIALISED WASTE EQUIPMENT**

Details of any specialised waste disposal equipment to be used in the development i.e. compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

- Commercial commingled – 3 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity)

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

(Reason: To ensure sufficient space and waste collection containers provided.)

### **75. BIN ALLOCATION**

The development will require the provision of the following waste and recycling facilities: i. Residential component:

- Domestic Waste – 12 x 660L mobile bins (to be collected weekly).
- Domestic Recycling – 8 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity).
- Domestic Recycling – 12 x 660L mobile bins (to be collected fortnightly).

ii. Commercial component:

- Commercial Waste - 6 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity)

- Commercial commingled – 3 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity)

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

(Reason: To ensure sufficient space and waste collection containers provided.)

## **76. WASTE AND RECYCLING STORAGE ROOMS**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
  - 240L bin must have 1.1m<sup>2</sup> of space per bin
  - 660L bin must have 2.03m<sup>2</sup> of space per bin
- The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- The door being close fitting to prevent the access of rats and mice.
- A cold water hose cock being provided for the cleaning of containers and the room itself.
- Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

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

## **77. WASTE SERVICE ROOMS OR COMPARTMENTS**

- Each service room/compartment must be located for convenient access by users and must be well ventilated and well lit.

- ii) Each service room/compartment must include a chute for recycling or space for bins/crates for the reception of recyclable materials within 2m of garbage chute, recycling bins or crates must be in place prior to OC.
- iii) The floors, walls and ceilings of the service rooms/compartment must be finished with smooth impervious materials that are capable of being easily cleaned
- iv) The service rooms/compartment must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates

(Reason: To keep waste service rooms or compartments in a clean and sanitary condition to protect public health.)

## **78. BULKY WASTE STORAGE**

A store room for storage of bulky household waste such as lounges is to be provided which meets the following conditions:

- i) Bulky waste rooms/areas must be a minimum of 4m<sup>2</sup> per 10 dwellings.
- ii) Bulky waste (Clean Up) rooms/areas should be located adjacent to waste and recycling storage rooms.
- iii) Bulky waste rooms/areas must contain a sign, minimum size 600mm x 600mm, directing residents the types of waste which can be deposited and the collection process. Sample artwork and signs available from Council.

(Reason: To ensure hard waste is separated and collected efficiently.)

## **79. AUTOMATIC WASTE COLLECTION SYSTEM (AWCS)**

The residential developments within the allocated area see Part H of the DCP appendix E shall provide a conventional waste collection system that is adaptable to an Automatic Waste Collection System capable of:

- i) Collecting general waste, recyclables and food and organic waste (incl. garden waste) fractions separately; and
- ii) Complies with the requirements set out in Part H – 'Waste Minimisation and Management' of the Strathfield Consolidated Development Control Plan 2005.

(Reason: To ensure waste collection systems are future proof.)

## **80. WASTEWATER CONTROL**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water.)

**81. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN**

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

(Reason: To promote Water Sensitive Urban Design.)

**82. WATER HEATING SYSTEMS - LOCATION OF**

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

(Reason: To maintain streetscape character.)

**83. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE**

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

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

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

(Reason: Council requirement.)

**84. DUST CONTROL**

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

Major Works

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

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

(Reason: Environmental amenity.)

#### **85. PREVENTION OF NUISANCE**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity.)

### **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)**

#### **86. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)**

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

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

- unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

v) The person having the 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.)

## **87. HOME BUILDING COMPENSATION FUND**

No residential building work within the meaning of the Home Building Act 1989 may commence until:

i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000).

ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).

iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989.

iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):

- In the case of work for which a principal contractor is required to be appointed:
  - the name and licence number of the principal contractor; and
  - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.



Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement.)

## **88. NOTICE OF COMMENCEMENT**

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

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

(Reason: Statutory requirement.)

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)**

## **89. CONTAMINATED LAND UNEXPECTED FINDS**

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

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

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

(Reason: To ensure compliance with statutory requirements.)

## **90. FILL MATERIAL**

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.)

#### **91. FOOD PREMISES - CONSTRUCTION AND FIT-OUT**

The construction and fit-out of the food premises must comply with the following:

- iii) The Food Act 2003;
- iv) Food Regulation 2015;
- v) Australia and New Zealand Food Standards Code;
- vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- vii) The Building Code of Australia.

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

(Reason: Compliance with food premises legislation and standards.)

#### **92. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS**

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

(Reason: To maintain public access and safety.)

#### **93. PUBLIC INFRASTRUCTURE AND SERVICES**

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

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

#### **94. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION**

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

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete for 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.)

**95. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)**

The construction and fit-out of the food premises must comply with the following:

- i. The Food Act 2003;
- ii. Food Regulation 2015;
- iii. Australia and New Zealand Food Standards Code;
- iv. Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- v. The Building Code of Australia.

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

(Reason: Compliance with food premises legislation and standards.)

**96. FOOD PREMISES - ONGOING USE OF (OU)**

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

**97. NOISE - ACOUSTIC ASSESSMENT OF LICENSED PREMISES (OU)**

Appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants must be appointed before the and details of that appointment submitted to Council.

During the first 60 days of the implementation of extended hours of operation at the premises, attended acoustic monitoring must be undertaken in accordance following:

- i) The acoustic consultant must:

- measure and verify that the noise emanating from the premises complies with the noise criteria in the 'Noise Use (Licensed Premises)' condition; and
  - if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in 'Noise Use (Licensed Premises)' condition.
- ii) The noise measurements must be:
- undertaken without the knowledge of the applicant, manager or operator of the premises;
  - taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the close of business; and
  - submitted to Council's Health Compliance unit within 7 days of the testing.
- iii) If the acoustic consultant recommends that additional treatment or works be undertaken under condition
- (i) above, those recommendations must be:
    - submitted to Council with the noise measurements as required in
  - (ii) above; and • implemented to the acoustic consultant's and the Council's satisfaction within one
  - (1) month from the date of acoustical consultant's report .
- iv) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must operate with the extended hours of operation until such time as the recommendations are implemented and verified.

(Reason: Noise attenuation.)

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**

#### **98. CAR PARKING - SURPLUS VEHICULAR CROSSINGS**

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

(Reason: Maintenance of public infrastructure.)

#### **99. CAR PARKING - VISITOR CAR PARKING SIGNAGE**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

#### **100. ENGINEERING WORKS (CERTIFICATION OF)**

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

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

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

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

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

(Reason: Asset management.)

**MODIFIED DA2019.57.5 21 January 2022**

#### **101. FIRE SAFETY CERTIFICATION**

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.)

## **102. FOOD PREMISES - REGISTRATION REQUIREMENTS**

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available online at <https://www.strathfield.nsw.gov.au/work/food-safety/food-businesses/> . In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

## **103. OCCUPATION OF BUILDING**

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

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

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

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

(Reason: Statutory requirement.)

## **104. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM**

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

(Reason: Adequate stormwater management.)

**105. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER**

**CONTROLLED SYSTEMS**

Prior to the issue of ~~any~~ **the** 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).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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

**MODIFIED DA2019.57.5 21 January 2022**

**106. SUBDIVISION - EVIDENCE OF CONSOLIDATION**

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land.)

**107. VENTILATION SYSTEMS – MECHANICAL**

The mechanical ventilation system is to comply with the following:

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

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.



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

**108. VENTILATION SYSTEMS – NATURAL**

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- i) The Building Code of Australia; and
- ii) Protection of the Environment Operations Act 1997.

Details demonstrating compliance with this condition shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate.

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards.)

**109. POSITIVE COVENANT**

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

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

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

(Reason: To ensure appropriate collection of waste.)

**110. FOOD PREMISES – CAFES, RESTAURANTS, BARS (NOT INCLUDING TEMPORARY AND MOBILE VENDORS)**

Hand wash basin(s), with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be easily accessible. Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.

A double bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.

A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water).

A cleaner's sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.

The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read without opening the appliance.

All self-service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.

Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.

Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised.

All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.

Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

The following requirements apply to clearances and supports of equipment:

- All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75mm high.
- All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(Reason: Compliance legislation and standards.)

## **111. NOISE – AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

The air conditioner(s) must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- (a) cause or permits an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry toilet or pantry) whether or not any door or window to that room is open:

- (i) before 8am or after 10pm on any Saturday, Sunday or public holiday;
- or (ii) before 7am or after 10pm on any other day; and

(b) within 7 days of doing so, the person is warned by an authorised officer or enforcement officer not to cause or permit an air conditioner to be used on residential premises in that manner; and

(c) the person again causes or permits an air conditioner to be used on residential premises in the manner referred to in paragraph (a) within 28 days after the warning has been given.

(Reason: Noise control and amenity.)

## **112. POLLUTION CONTROL**

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- (b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- (c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
  - (i) retained for recycling; or
  - (ii) disposed of in accordance with the requirements of Sydney Water;
- (d) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- (e) no spray painting of vehicles shall take place outside the spray booth; and
- (f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection.)

## **113. FOOD PREMISES - REGISTRATION REQUIREMENTS (OC)**

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available online at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au) In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)**

### **114. SEPARATE APPLICATION FOR STRATA SUBDIVISION**

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

(Reason: To ensure compliance with the consent.)

### **115. RIGHT-OF-WAY - REGISTRATION OF**

The right-of-way must be registered under Section 88B of the Conveyancing Act 1919 to ensure reciprocal right-of-way access arrangements.

(Reason: Council's subdivision standards and the Statutory requirements of the Conveyancing Act 1919.)

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

### **116. COMMERCIAL PREMISES - NO SIGNAGE OR GOODS ON PUBLIC FOOTWAY**

At no time may any signs including sandwich boards and the like or goods for sale or display, be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways outside the premises or in the immediate vicinity without the prior approval of Council.

(Reason: Safety and amenity.)

### **117. DELIVERIES**

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 8.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

### **118. FIRE SAFETY ANNUAL STATEMENT**

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

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

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and

- ii) Prominently displayed in the building.

(Reason: Fire safety.)

## **119. FOOD PREMISES - ONGOING USE OF**

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

## **120. FOOD AND DRINK PREMISES - OPERATIONAL PLAN OF MANAGEMENT**

A final 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 shall be displayed in prominent locations within the premises. The Manager/Publican 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 and amenity of surrounding residential properties including but not limited to matters relating to hours of operation, security staff and their responsibilities, training of staff in responsible service of alcohol procedures, control of amplified music and live band performances etc.
- ii) All the responsibilities of the Manager/Publican particularly with respect to coordination of security measures, training and management of staff, and co-ordination of any matters involving the NSW Police Service.
- iii) An Incident Register shall be maintained by the Manager and shall 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 use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Manager/Publican so that any surrounding property owner/occupier wishing to raise issues regarding the operation of the premises etc. can access the management of the premises 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.
- v) 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 premises shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (3) 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.)

#### **121. LICENSED PREMISES - NOISE REQUIREMENTS**

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz - 8 Hz inclusive) by more than 5dB (A) between 7am and 12 midnight at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

(Reason: Environmental health.)

#### **122. LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY**

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

#### **123. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

#### **124. NOISE - NO AMPLIFIED MUSIC**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located

within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

## **125. NOISE – SIGNAGE TO PATRONS EXITING THE PREMISES**

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest.)

## **126. NOISE USE - LICENSED PREMISES**

The use and operation of the premises and any associated machinery, equipment or the like must not emit a sound pressure level when measured at the boundary of any other residential property between 7:00am and 12:00 midnight that exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

### Office of Liquor Gaming & Racing Requirements

- i. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5dB between 7:00 AM and 12:00 midnight at the boundary of any affected residence.
- ii. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz- 8 kHz inclusive) between 12:00 midnight and 7:00 AM at the boundary of any affected residence.
- iii. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 AM.

(Reason: Environmental amenity)

## **127. OFFENSIVE NOISE**

The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or



(b)that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

(Reason: Environmental amenity)

#### **128. OFFICE / COMMERCIAL USE - PERMITTED ONLY AS ANCILLARY USE**

No part of the premises may be used as offices or for any other commercial activity, including a showroom or display area, except where such facility is ancillary and subordinate to the principal use of the premises. The proportion of floor space of the building used for offices or showrooms and the like, must not be increased above that shown on the approved plan(s).

(Reason: To ensure development undertaken on the site is consistent with the approval.)

#### **129. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY**

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

#### **130. PATRON CAPACITY - MAXIMUM PERMITTED**

The premises may accommodate a maximum number of 350 patrons at any one time and this is to be reduced to a maximum number of 280 patrons after 10pm. The use of the front courtyard adjoining Parramatta Road is restricted after 10pm each day.

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved pub.

(Reason: To ensure development in accordance with the approval and BCA requirements.)

#### **131. SECURITY MANAGEMENT PLAN**

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

(Reason: Amenity, health and safety.)

#### **132. VISITOR PARKING RESTRICTION**

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

(Reason: Compliance with approved visitor parking provision.)

### **133. WASTE AND RECYCLING COLLECTION**

- i)The collection of waste and recycling must only occur between 5:00am and 7:00pm weekdays, weekends and public holidays, to avoid noise disruption to the surrounding area (modifications may be made to this condition at Councils discretion).
- ii)Garbage, Garden Waste and Recycling must not be placed on the kerbside for collection more than 12 hours prior to collection day.
- iii) Garbage, Garden Waste and Recycling must not be left kerbside for longer than 12 hours after collection (unless advised by Council).
- iv)The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the premises, all garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- v)Each dwelling shall be provided with an area to be used to store Council's standard garbage, garden waste and recycling containers with such area not visible from the street and easily accessible to all dwelling occupiers (Multi Dwelling Housing Developments may utilise communal bin storage).
- vi)Council's standard garbage, garden waste and recycling containers must be present on the property prior to OC

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

### **134. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL)**

- i)The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii)Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii)Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).
- iv)The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- v)All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi)Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals, chemicals etc.

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

### **135. CONTROL OF LITTER**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

- i) All steps being taken to prevent, reduce and collect any litter produced by the site
- ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

### **136. AMPLIFIED MUSIC**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the boundary of the premises. Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity).

### **137. OFFENSIVE NOISE**

The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

(a)that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i)is harmful to (or is likely to) a person who is outside the premises from which it is emitted; or

(ii)interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

(b)that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

(Reason: Environmental amenity.)

### 138. LICENSED PREMISES NOISE

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5 Hz – 8 Hz inclusive) by more than 5 dB(A) between 7am and 12 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

(Reason: Noise attenuation.)

**SIGNED** on behalf of  
Strathfield Municipal Council



GEOFF BAKER  
PUBLIC OFFICER

### END CONDITIONS

---

### ADVISORY NOTES

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. Significant penalties apply for noncompliance by individuals and corporations.

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:
- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
  - Timber waste to be separated and sent for recycling;
  - Metals to be separated and sent for recycling;
  - Clean waste plasterboard to -be returned to the supplier for recycling (excluding plasterboard from demolition); and
  - Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.
- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6)

months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
- (b) a determination in respect of crown development, or
- (c) a complying development.

- xi. If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
- xii. Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiii. Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xiv. The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours
- xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:  
  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Other contact details for the Department are: Phone: 9895 011  
E-Mail: [enquiry@fairtrading.nsw.gov.au](mailto:enquiry@fairtrading.nsw.gov.au)
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).

- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.