

IDAP REPORT – SECTION 4.56 MODIFICATION

Property:	14 Marlborough Road, Homebush West Lot 10 Section 1 DP 827 DA 2020/106/2
Proposal:	Section 4.56 Modification Application for minor internal and external alterations and additions to an approved boarding house.
Applicant:	Urban Link
Owner:	S Saade
Date of lodgement:	2 November 2021
Notification period:	10 November 2021 to 23 November 2021
Submissions received:	2
Assessment officer:	G I Choice
Estimated cost of works:	\$7,845,234.00
Zoning:	R3-Medium Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Subject site aerial photograph (highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of development consent DA 2020/106 for the purpose of minor internal and external alterations and additions to an approved boarding house.

Site and Locality

The subject site is legally described as Lot 10 Section 1 in DP 827 and commonly known as 14 Marlborough Road, Homebush West. The site is within the R3 – Medium Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular allotment, located on the western side of Marlborough Road and has an area of approximately 929m².

The current streetscape is characterised by medium density residential development with a large warehouse further north on the corner of Marlborough Road and Parramatta Road.

Strathfield Local Environmental Plan

The site is zoned R3-Medium Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal as amended satisfies all relevant objectives contained within the LEP.

Development Control Plan

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

Notification

The application was notified in accordance with Council's Community Participation Plan from 10 November 2021 to 23 November 2021 where two (2) submissions were received raising the following concerns:

- Building height
- Traffic
- Anti-social behaviour
- Loss of amenity

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/106/2 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 2020/106 for the purpose of minor internal and external alterations and additions to an approved boarding house. Specifically, the proposed modifications include:

Basement level:

- Addition of new pump room,
- Addition of new NBN storage room,
- Reconfiguration of basement parking spaces and one (1) additional parking space
- Removal of one accessible parking space,
- Fire stair redesign (throughout), and
- Level reduced by 65mm (eastern part of the basement) and 500mm (western part of the basement).

Lower ground level:

- New accessible car space from Basement 01,
- Relocation of one parking space beside the lift, and
- Changes to the external stairway resulted to additional 3m² of communal open space.

Ground floor level:

- Change in layout of the communal lounge and kitchen,
- Relocation of security roller door
- Relocation of fire egress door,
- Balcony in G06 increased in size, and
- Condenser units added to balconies and screening devices

First floor level:

- Increase in balcony size in units 104-109 and 111, and
- Condenser units added to balconies and screening devices.

Level 2:

- Increase in balcony size in units 204-209 and 211, and
- Condenser units added to balconies and screening devices

Level 3:

- Increase in balcony size in units 304-309 and 311, and
- Condenser units added to balconies and screening devices

Level 4 (Eastern Building) and Roof (Western Building):

- Condenser units added to the non-trafficable roof adjacent to unit 404,
- Solar panels and gas hot water system on the roof of the western building.
- Lift over run height increased by 100mm to 200mm (western building)

Roof (Eastern Building):

- Condenser units and gas hot water system on the roof of the eastern building.

External works:

- Schedule of materials and finishes amendments.
- Service ladder for rooftop access added to Eastern building south elevation

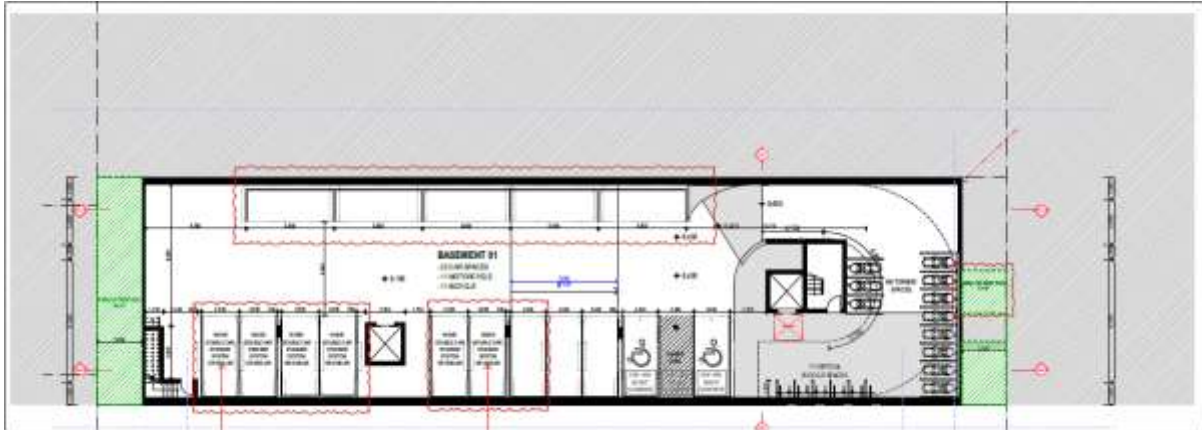


Figure 2: LEC approved basement 01 - DA 2021/106 (LEC No. 2020/250687)

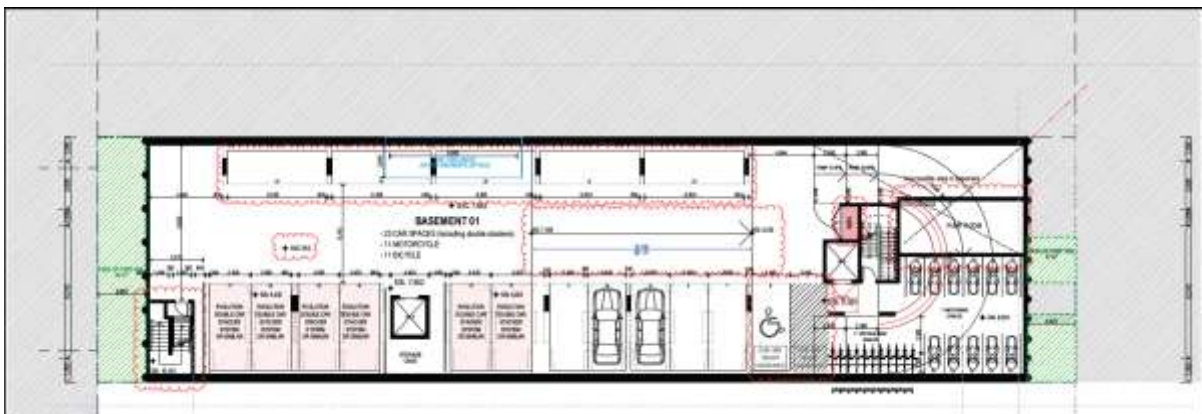


Figure 3: Proposed basement 01

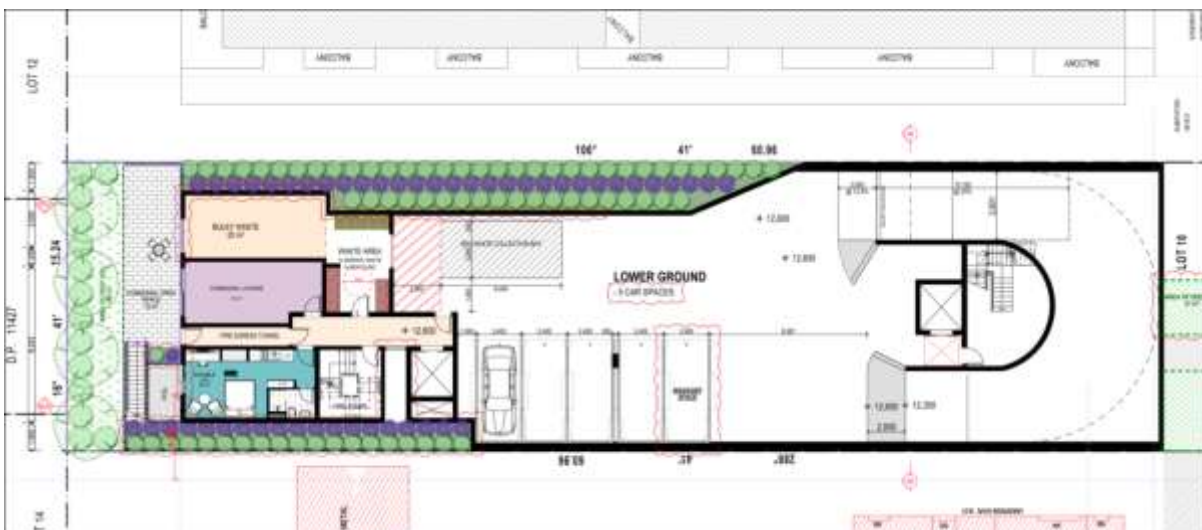


Figure 4: LEC approved lower ground plan - DA 2021/106 (LEC No. 2020/250687)

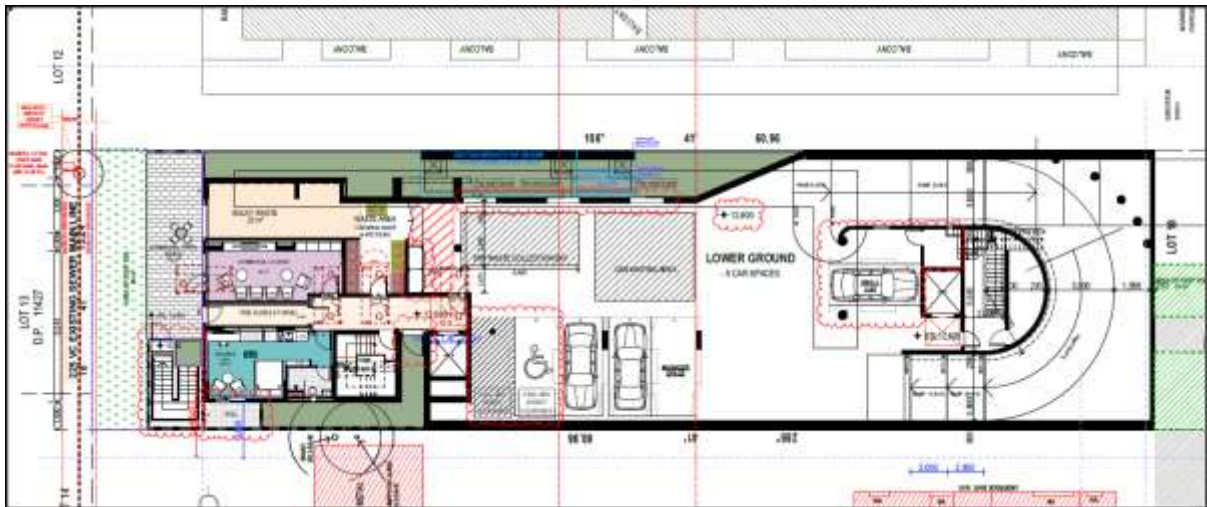


Figure 5: Proposed lower ground plan



Figure 6: LEC approved ground floor plan - DA 2021/106 (LEC No. 2020/250687)



Figure 7: Proposed ground floor plan



Figure 8: LEC approved level 01 plan - DA 2021/106 (LEC No. 2020/250687)



Figure 9: Proposed level 01 plan



Figure 10: LEC approved level 02 plan - DA 2021/106 (LEC No. 2020/250687)



Figure 11: Proposed level 02 plan



Figure 12: LEC approved level 03 plan - DA 2021/106 (LEC No. 2020/250687)



Figure 13: Proposed level 03 plan



Figure 14: LEC approved level 04 plan - DA 2021/106 (LEC No. 2020/250687)



Figure 15: Proposed level 04 plan

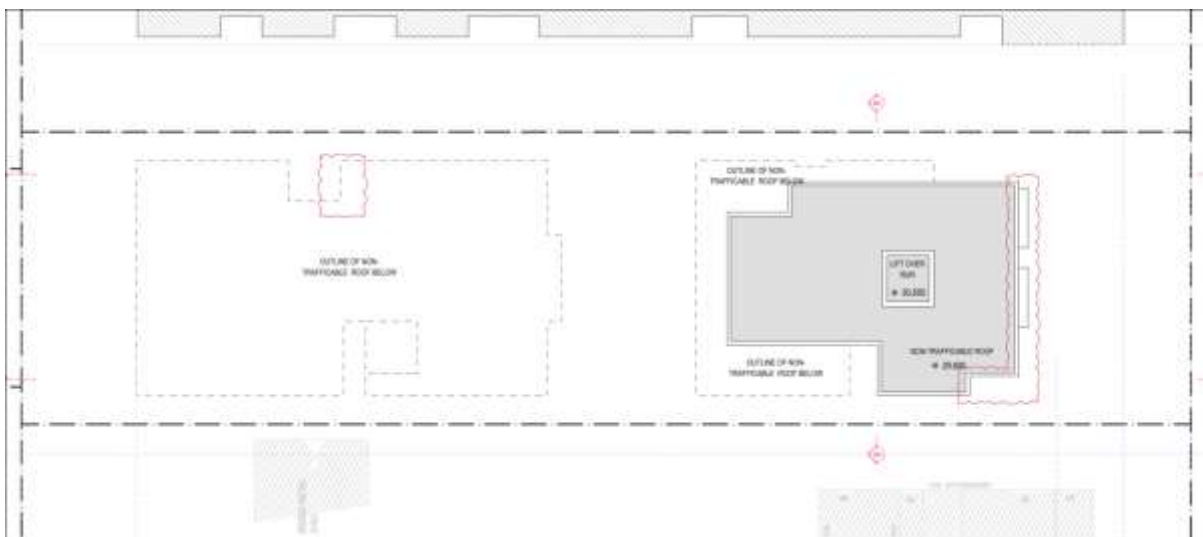


Figure 16: LEC approved roof plan (east building) - DA 2021/106 (LEC No. 2020/250687)

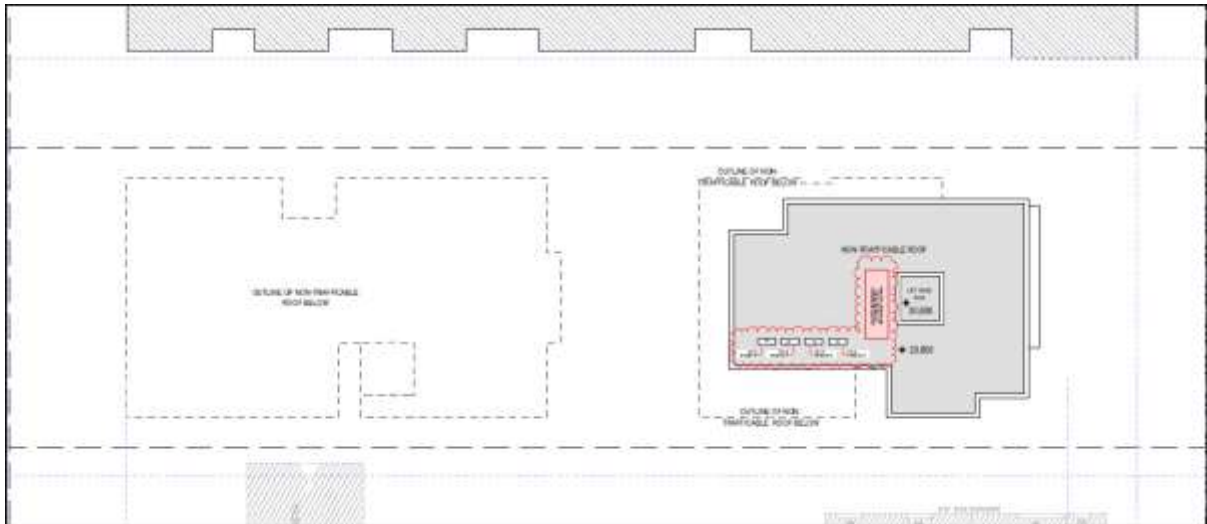


Figure 17: Proposed roof plan (east building)



Figure 18: LEC approved south elevation - DA 2021/106 (LEC No. 2020/250687)



Figure 19: Proposed south elevation

[illegible]

Figure 22: LEC approved north elevation - DA 2021/106 (LEC No. 2020/250687)



Figure 23: Proposed north elevation



Figure 24: LEC approved east elevation and materials schedule - DA 2021/106 (LEC No. 2020/250687)



Figure 25: Proposed east elevation and materials schedule



Figure 26: LEC approved AA section - DA 2021/106 (LEC No. 2020/250687)



Figure 27: Proposed AA section

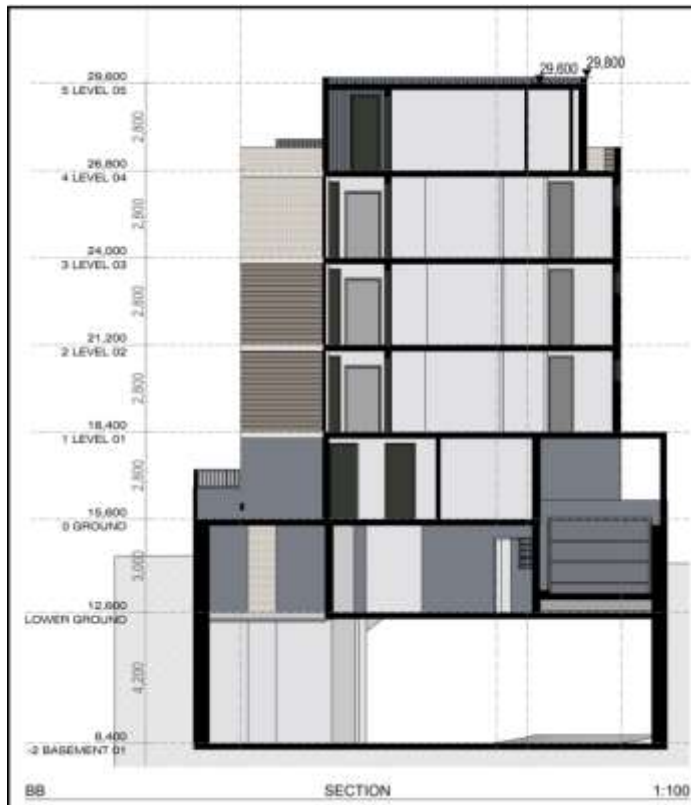


Figure 28: LEC approved BB section - DA 2021/106 (LEC No. 2020/250687)



Figure 27: Proposed BB section and ramp detail

The Site and Locality

The subject site is legally described as Lot 10 Section 1 in DP 827 and commonly known as 14 Marlborough Road, Homebush West. The site is within the R3 – Medium Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular allotment, located on the western side of Marlborough Road (refer to Figure 1). The property has a width of 15.24m, a boundary length of 60.96m and an area of approximately 929m². The land has a 3m fall to the rear (western) boundary.

Existing development on the site comprises a single-storey dwelling house with a detached garage, fibro shed and metal shed (refer to Figures 2 to 4). The subject is one of three adjoining sites containing single-storey dwellings (14 to 18 Marlborough Road). Adjoining development to the north comprises a three-storey residential flat building at 8 Marlborough Road.

The current streetscape is predominantly characterised by medium density residential development with a large warehouse further north on the corner of Marlborough Road and Parramatta Road.



Figure 26: 14 Marlborough Road (left) and 8 Marlborough Road (right)



Figure 27: Existing dwelling at 16 Marlborough Road

Background

3 December 2020	DA 2020/106 for the demolition of an existing dwelling and the construction of a boarding house comprising a total of fifty-two (52) lodger rooms (including one (1) manager's room) within a five (5) storey building over two levels (2) of basement car parking was refused by the Strathfield Local Planning Panel.
29 April 2021	DA 2020/106 was approved by the NSW Land and Environment Court (LEC No. 2020/250687) for the demolition of an existing dwelling and the construction of a boarding house comprising fifty-one (51) rooms and a manager's room.
2 November 2021	The subject Section 4.56 modification application was lodged.
23 November 2021	Neighbour notification period complete (10 November 2021 to 23 November 2021)
14 December 2021	Site inspection completed by the Assessment Officer.
12 January 2022	A request for further information (RFI) was made by Council to the Applicant requiring missing floor plans for levels 2 and 3 to be provided.
13 January 2021	Additional information was submitted to Council via the NSW Planning Portal.

Referrals – Internal

Building and Compliance

The subject application was referred to Council's Building Surveyor who supports the proposed modifications subject to appropriate conditions.

Traffic

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

"The proposed modifications to the approved design, from a traffic perspective, involve the following:

- *Slightly modifying the car parking layout, whilst retaining the total number of approved bicycle and motorcycle spaces*
- *increasing the number of cars spaces from 27 to 28 spaces, whilst retaining the 6 mechanical stacking systems accommodating 2 cars each*

No changes proposed to the approved total number of boarding rooms, garbage collection arrangements and vehicular crossing arrangement...

SEPP (Affordable Rental Housing) 2019 Division 3 Clause 29 (e) stipulates the following applicable parking requirement:

(iia) in the case of development not carried out by or on behalf of a social housing provider—

at least 0.5 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

...

SEPP (Affordable Rental Housing) 2019 Division 3 Clause 30 (1)(h) further stipulates the following requirement:

...

(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

...

The proposed development hence generates on-site parking requirement of

- ☐ *27 car spaces for tenants (minimum)*
- ☐ *1 car space for manager (maximum)*
- ☐ *11 bicycle spaces and 11 motorcycle spaces (minimum)*

The proposed on-site parking provision includes 28 car spaces, 11 bicycle spaces and 11 motorbike spaces

[The] S4.56 Application Complies with the above...[T]he traffic implications of development proposals primarily concern the effects of traffic flows generated as a result of a

development and its impact on the operational performance of the adjacent road network, particularly during the weekday commuter peak periods...The RMS Guidelines do not nominate a traffic generation rate for boarding houses. In such circumstance, a traffic generation rate of 0.2 peak hour vehicle trips per room would have been applied, which is considered appropriate given the site's close proximity to public transport.

However, no changes proposed to the previously approved number of boarding rooms. As noted in the foregoing, this s4.56 application involves modifying the basement car parking layout, resulting in an increase of 1 parking space...The net traffic generation increase as a result of the S4.56 Application is marginal.

All aspects of the carpark and the associated vehicular access have been assessed against AS/NZS 2890 series...I raise no concerns from a traffic or parking perspective with the S4.56 modification to the Approved Development at 14 Marlborough Road, Homebush West.'

Section 4.56 of the EP&A Act 1979

The application has been lodged under the provisions of s4.56 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. Reasonable attempts have been made to notify, each person who made a submission in respect to the original DA 2020/106 development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person.

Additionally, the subject Modification Application has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.56 (1A), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

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

“boarding house means a building that:

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

The development as proposed to be modified is consistent with the definition above, with conditions of consent imposed under the parent application (DA 2020/106) and modifications requiring the development to be strictly used as a boarding house as defined under the SEPP (ARH) 2009 and the SLEP 2012.

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

Clauses	Development Standards	Proposed	Compliance
29(1)(c) FSR	The existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus 0.5:1. Under SLEP 2012: Max 1.45:1 + 0.5:1 uplift = Max 1.95:1 (1799.85m²)	No change to the LEC approved: 1.87:1 (1,729m ²)	Yes

29(2)(a) Height	Maximum height permitted under SLEP 2012 = 14m	An increase in building height is attributed to an increase of 100mm to 200mm of the lift overrun on the roof of the western building and does not result in an overall increase of the LEC approved: 15.33m	Accepted
29(2)(b) Landscaping to front	Landscaping treatment of front setback to be compatible with streetscape.	The landscape treatment of the front setback as modified remains consistent with the streetscape.	Yes
29(2)(c) Sunlight	Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three (3) hours direct sunlight between 9am and 3pm in mid-winter.	The rear communal living room will still receive a minimum three (3) hours of direct sunlight during mid-winter.	Yes
29(2)(d) Private open space	<p>At least the following private open space areas are provided (other than the front setback area) –</p> <p>(i) one (1) area of at least 20m² with a minimum dimension of 3m is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager - one (1) area of at least 8m² with a minimum dimension of 2.5m is provided</p>	<p>(i) A communal open space of 79m² – with a minimum dimension of 5.9m - is provided directly outside the rear lower ground communal lounge.</p> <p>(ii) The proposed modification provides a Manager's Quarters private open space of 10m² exceeding the requirements.</p>	<p>Yes</p> <p>Yes</p>

	adjacent to that accommodation.		
29(2)(e)(ii)(a) Car parking	<p>(iia) In the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p> <p>Required:</p> <ul style="list-style-type: none"> • 26 car spaces for tenants (minimum) • 1 car space for manager (maximum) • 11 bicycle spaces • 11 motorcycle spaces (minimum) 	<p>Provided:</p> <ul style="list-style-type: none"> • 28 car spaces, • 11 bicycle spaces; • 11 motorbike spaces 	Yes
29(2)(f) Minimum accommodation size	<p>Minimum accommodation size (excluding kitchenette and bathroom): 12m² for single lodger 16m² for doubles</p>	All lodger rooms meet the minimum accommodation size requirements.	Yes
30(h) Motorcycle and bicycle parking	<p>One (1) bicycle space and one (1) motorcycle spaces per five (5) rooms. Therefore = 11 spaces of each are required.</p>	<p>The basement plan as modified provides</p> <p>11 motorcycle 11 bicycle spaces.</p>	<p>Yes Yes</p>

30A Character of local area	Design of the development is compatible with the character of the local area.	The development as modified is compatible with the character of the local area, appropriate in terms of bulk and scale and providing an appropriate transition to the adjoining low density residential land to the south and west.	Accepted – see discussion
--------------------------------	---	---	---------------------------

Clause 30A – Character of local area

The proposed modifications include a minor increase in building height to the western building lift over run; changes to the materials and finishes schedule; the addition of A/C condensers to the balconies of each of the tenant rooms; the addition of solar panels to the rear building roof; four (4) A/C condensers to the east building roof; and additional refrigeration and hot water services the roof tops. It is considered that the proposed modifications will not dramatically impact on the existing streetscape when compared to the existing LEC approved plans. The addition of air conditioning will improve the internal amenity for future tenants and condensers positioned in such a way that only a small number would be noticeable from specific perspectives along Marlborough Road. The addition rooftop solar panels will improve the overall sustainability of the building and cannot be seen from street view.

The development as modified satisfies all relevant provision of the abovementioned SEPPs.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

SEPP Housing 2021 was introduced 26 November 2021 and replaces State Environmental Planning Policy (Affordable Rental Housing 2009). Schedule 7 of the SEPP that the former provisions of a repealed instrument apply to a development application made, but not yet determined, on or before the commencement date of the Housing SEPP. As the subject Modification Application was lodged on 2 November 2021, the provisions of Schedule 7 apply.

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 R3-Medium Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	14m	No change from the LEC approved 15.33m	Accepted
4.4 Floor Space Ratio	Site area: 929m ² = Max 1.95:1 (1799.85m ²)	No change from the LEC approved 1.87:1 (1729m ²)	Yes

Part 6 – Additional Local Provisions

Earthworks

The proposal modifications include minor additional excavation works for additional depths associated with the approved car stacker pits. The basement footprint has not increased and appropriate conditions of consent in relation to earthworks were imposed under the parent LEC consent. Additional excavation is considered minor and will not have any further detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

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

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

(iii) any development control plan,

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

Part Q – Urban Design Controls (SCDCP 2005)

Streetscape

The proposed modifications incorporate internal reconfigurations that will not have an adverse impact to the streetscape. The addition of A/C condensers, solar panels and minor

amendments to the materials and finishes schedule are considered acceptable in this regard.

Building Envelope

The building envelope is relatively unchanged from the DA 2020/106 development consent with no building setbacks impacted by the proposed amendments. The building generally maintains the height, bulk and scale as approved which is compatible to the adjoining and surrounding medium density development of the locale.

Landscaping

The proposed amendments do not alter the landscaping and deep soil area as approved under DA 2020/106 (LEC No. 2020/250687).

Car Parking and Vehicular Access

The modified configuration of the basement and driveway provides an additional parking space for a total 28 car parking spaces (27 approved 27 spaces in original development consent). Further, it maintains the approved 11 motorcycle and 11 bicycle parking spaces. The proposed development is considered an improvement and acceptable in this regard.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

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

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

The proposed development, as modified, is of a scale and character that is in keeping with the approved LEP consent for the parent DA. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. Two (2) submissions were received. It is noted that one (1) of the submissions has raised similar issues of a previous submission at the same address (dated 16 July 2020) related to – and in opposition of - the original DA 2020/106 which was refused by SLPP on 3 December 2020. The said issues are listed as follows:

1. Impacts to solar access and air access.
2. Distance of the approved development to 16 Marlborough Road
3. Anti-social behaviour and littering caused by future occupants of 14
4. Noise from tenants and cars
5. Fire safety risks

These issues are noted, however it is considered that they do not directly relate to the proposed modifications, but rather to the development as approved by the Court in the original development application.

A second submission raised the following concerns:

1. **Issue:** Building height and proposed lift over run increase exceeds 14m

Officer Comment: The slight increase to the western building lift overrun is 100mm to 200mm and will still result in a building section below the LEC approved eastern building height of 15.33. This issue has been addressed.

2. **Issue:** Noise impacts associated with A/C condensers.

Officer Comment: Appropriate conditions are already imposed as part of the original consent to ensure that the proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* (as amended) and Regulations. This issue has been addressed.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

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

Conclusion/Recommendation

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

Pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to development consent No.2020/106 (as approved LEC No. 2020/250687) involving minor internal and external alterations and additions to an approved boarding house.

1. The proposed modifications do not result in the change to the description of the approved development and is to be maintained.
2. As part of this Section 4.56 application, the following conditions are to be modified, added or deleted
 - (i) Modify condition 1 to include amended plans and documents.
 - (ii) Add condition 1a (Additional details) to include the following text
 - i. *All condensers shall be clearly shown on Construction Certificate Plans*
 - ii. *If louvres are to be used, they are to be fixed in a position that does not allow downward viewing of the adjoining properties.*
 - iii. *Access to the Pump Room shall be clearly shown on Construction Certificate Plans*
 - (iii) Modify condition 26 to current BASIX Certificate number.
 - (iv) Add condition 35a regarding **Access for Persons with a Disability**
 - (v) Add condition 35b regarding **Commonwealth Disability (Access to Premises) Standard**
 - (vi) Modify condition 52 to delete details of pool formwork; and include basement works and car stacker pits
 - (vii) Modify condition 68 to update parking detail.

Accordingly, development consent 2020/106/2 is approved as per the following:



Signed:

**G I Choice
Planner**

Date: 15 February 2022

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

Report and recommendations have been peer reviewed and concurred with.

Signed:

**P Santos
Planner**

Date: 21 February 2022

Conditions

1. Approved Plans & Documentation

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

Plan Name	Drawing number	Revision	Date	Prepared by
Architectural plans				
Demolition Plan	DA 1002	D	1 February 2021	Urban Link
Basement 01	DA 2001 S4.56-201	D A	1 February 2021 25 October 2021	Urban Link

Lower Ground	DA-2002	D	1 February 2021	Urban Link
	S4.56-202	A	25 October 2021	
Ground floor plan	DA-2003	D	1 February 2021	Urban Link
	S4.56-203	A	25 October 2021	
Level 01 – typical	DA-2004	D	1 February 2021	Urban Link
Level 01	S4.56-204	A	25 October 2021	
Level 02 – typical	DA-2005	D	1 February 2021	Urban Link
Level 02	S4.56-205	A	25 October 2021	
Level 03 – typical	DA-2006	D	1 February 2021	Urban Link
Level 03	S4.56-206	A	25 October 2021	
Level 04	DA-2007	D	1 February 2021	Urban Link
	S4.56-207	A	25 October 2021	
Roof plan	DA-2008	D	1 February 2021	Urban Link
Level 05	S4.56-208	A	25 October 2021	
Elevations South/West	DA-3001	D	1 February 2021	Urban Link
	S4.56-302	A	25 October 2021	
Elevations North/East	DA-3002	D	1 February 2021	Urban Link
	S4.56-301	A	25 October 2021	

Elevations Streetscape	DA 3003	D	1 February 2021	Urban Link
Sections AA/BB	S4.56-501	A	25 November 2021	
Sections	DA 4001	D	1 February 2021	Urban Link
Finishes Schedule	DA 6301	D	1 February 2021	Urban Link
	S4.56-401	A	25 October 2021	
Landscape plans				
Cover Sheet	L/00	D	15 February 2021	ATC landscape architects and swimming pool designers
Proposed landscape plan – Ground floor	L/01	D	15 February 2021	ATC landscape architects and swimming pool designers
Proposed landscape plan – Ground floor	L/02	D	15 February 2021	ATC landscape architects and swimming pool designers
Stormwater				
Lower ground floor and basement 01 drainage plan	D02	E	10 February 2021	United Consulting Engineers Pty Ltd
Ground floor drainage plan	D03	E	10 February 2021	United Consulting Engineers Pty Ltd
Drainage details	D04	E	10 February 2021	United Consulting Engineers Pty Ltd
Easement plan	D05	E	10 February 2021	United Consulting Engineers Pty Ltd
Reports				
Acoustic report prepared by Day Design Pty Ltd dated 18 January 2021				
Amended plan of management prepared by Urban Link dated 19 February 2021				
BCA report prepared by Incode Solutions dated 16 February 2021				
Access report prepared by Vista Access Architects dated February 2021				
Access report prepared by PSE Access Consulting dated 14 October 2021				

Remediation action plan prepared by Foundation Earth Services dated September 2020
BASIX Certificate No. 1103539M_03 by AGA Consultants dated 22 October 2021
Traffic and Parking Assessment Report (Case Number 2020/00250687) by Varga Traffic Planning dated 20 October 2021

MODIFIED: DA 2020/106/2 18 February 2022

1A. Additional Details

- i. All condensers shall be clearly shown on Construction Certificate Plans*
- ii. If louvres are to be used, they are to be fixed in a position that does not allow downward viewing of the adjoining properties.*
- iii. Access to the Pump Room shall be clearly shown on Construction Certificate Plans*

ADDED: DA 2020/106/2 18 February 2022

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;

- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

3. Vehicular Crossing - Minor Development

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council’s Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council’s adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council’s specifications applicable at the time, prior to the issue of an Occupation Certificate.

4. Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

5. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an ‘A class’ (fence type) or a ‘B class’ (overhead type) hoarding or ‘C type’ scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The 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 (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

6. Below Ground Anchors – Information to be Submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993 (SA6008)

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](#) and the [Roads Act 1993](#) for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$20,000.

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

Transport for NSW

7. All buildings and structures, 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 Marlborough Road boundary.
8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact onto Marlborough Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au
9. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
10. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.
11. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au
12. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
13. All vehicles are to enter and leave the site in a forward direction.
14. 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 Marlborough Road.

SYDNEY WATER

15. Trade Waste Agreements

A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

16. Sydney Water – Tap in TM

The approved plans must be submitted to a Sydney Water Tap inTM 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 then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

17. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

18. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

AUSGRID

19. Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

PLANNING CONDITIONS

20. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$27,458.00
Security Damage Deposit	\$33,000.00
Tree Bond	\$3,000.00
Administration Fee for Damage Deposit	\$127.00
Administration Fee for Tree Bond	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$27,322.58
Strathfield Section 94 Development Contributions – Local Open Space	\$173,848.79
Strathfield Section 94 Development Contributions – Major Open Space	\$410,984.16
Strathfield Section 94 Development Contributions – Community Facilities	\$90,332.13
Strathfield Section 94 Development Contributions – Administration	\$8,001.82
TOTAL	\$710,489.48

General Fees

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

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

21. Required Design Changes

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

Laundry facilities	The architectural plans must be amended to ensure that all boarding rooms are provided with laundry facilities as indicated on the Statement of Environmental Effects, prepared by Planning Ingenuity, reference no. M180251 and dated 12 June 2020.
--------------------	--

22. Schedule of External Finishes

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

23. Damage Deposit – Major Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$33,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

24. Tree Bond

A tree bond of \$3,000.00 (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 existing trees to be retained on Council's road reserve, 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.

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.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

25. Site Management Plan

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

26. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. ~~1103539M_02~~ **1103539M_03** must be implemented on the plans lodged with the application for the Construction Certificate.

MODIFIED: DA 2020/106/2 18 February 2022

27. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

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

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

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

28. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) No. 8-12 Marlborough Road, Homebush West
- (c) No. 16 Marlborough Road, Homebush West

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

29. On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,

- (b) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

30. Detailed Stormwater Drainage Design

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

31. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

32. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

33. Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

34. Waste Management Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield

Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP must incorporate all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

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

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial](#)

[Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

35. Fire Safety Measures

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

35A. Access for Persons with a Disability

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

ADDED: DA 2020/106/2 18 February 2022

35B. Commonwealth Disability (Access to Premises) Standard

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

ADDED: DA 2020/106/2 18 February 2022

36. Structural Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

37. Hazardous Ground Gas Monitoring Report

Prior to the application of a Construction Certificate the applicant must submit a Hazardous Ground Gas Monitoring Report to Council and the PCA, as discussed in the Detailed Site Investigation.

38. Hazardous Material Survey

Remediation approved as part of this Development Consent shall be carried out in accordance with Remedial Action Plan and a Hazardous Materials Survey prepared by Foundation Earth Sciences (dated September 2020) and in accordance with the NSW Office of Environment and Heritage [Guidelines for Consultants Reporting on Contaminated Sites](#).

A site audit statement must be carried out by a site auditor prior to the commencement of remediation works.

39. Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

40. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

41. Acoustic Requirements

Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Environmental Noise Assessment Report prepared by Day Design Pty Ltd and dated 18 January 2021.

Acoustic Report - General Operation of Premises

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

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Noise Policy for Industry](#).

42. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the following number of bins for the development;

- (a) Domestic Waste – 7 x 240 litre mobile bins.

(b) Domestic Recycling – 5 x 240 litre mobile bins.

At a minimum rate of 1.1m² per 240L bin, 2.03m² per 660L bin, 2.7m² per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

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.

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.

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

Bulk collection area must be provided at a rate of 4m² per 10 units and should be located adjacent to waste and recycling storage rooms.

43. Onsite Waste Collection

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

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

44. Boarding Houses

Boarding Houses must provide onsite underground or at-grade collection of waste.

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

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

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

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

Litter management plan must be included in Waste Management Plan when applicable. 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. Litter management plan must include:

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

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

45. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans.

The landscaping shall be maintained in accordance with the approved plans in perpetuity.

46. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

47. Tree Protection and Retention

The existing street tree within the road reserve and directly in front of the site (No.14 Marlborough Road) shall be retained and protected.

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 - 2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

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

48. Demolition & Asbestos

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

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

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

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

49. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

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

50. Demolition Work Involving Asbestos Removal

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

51. Dial Before Your Dig

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

52. Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) **Floor slabs or foundation wall, car stacker pits and basement foundations before formwork or commencing brickwork.**
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- ~~(e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.~~
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

MODIFIED: DA 2020/106/2 18 February 2022

53. Utility Arrangements

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

54. Site Audit Report and Site Audit Statement

Prior to the commencement of any work, other than demolition or excavation in association with the remediation of the site, a Site Audit Report and Site Audit Statement are to be submitted to Council. These documents must clearly state that the site is suitable for the proposed use.

Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 18 'Notice of completion of remediation work' under [State Environmental Planning Policy No.55—Remediation of Land](#).

Note: Words and expressions used in these conditions have the same meaning as in the [Contaminated Land Management Act 1997](#).

55. Structural Engineers Details – Supporting Council Road/Footway

Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council.

56. Dust Control

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

Major Works

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

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

- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

DURING CONSTRUCTION

57. Site Sign – Soil & Erosion Control Measures

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

The sign must remain in a prominent location on site up until the completion of all site and building works.

58. Hours of Construction for Demolition and Building Work

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

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

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

59. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

60. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

61. Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

62. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

63. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

64. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

65. BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

66. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

67. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) No.8-12 Marlborough Road, Homebush West

(b) No. 16 Marlborough Road, Homebush West

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

68. Allocation of Parking Spaces

Parking associated with the development is to be allocated as follows:

- (a) Residential dwellings: 27
- (b) Managers residence: 1
- (c) Bicycle: 11
- (d) Motorbike: 11

MODIFIED: DA 2020/106/2 18 February 2022

69. Major Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

70. Restriction to User and Positive Covenant for On-Site Detention Facility

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels 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 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.

71. Works as Executed and Certification of Stormwater Works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant

Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction

Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

72. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- (g) The construction of the [insert] shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval [insert].

73. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

74. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

75. Fire Safety Certificate Before Occupation or Use

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

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

- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule. [NOTE: ATTACH SCHEDULE]

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue

NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

76. Slip Resistance

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

77. Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

78. Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Environmental Noise Assessment Report, prepared by Day Design Pty Ltd and dated 18 January 2021.

79. Acoustic Compliance – General Operation of Premises

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

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW Noise Policy for Industry"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

80. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary)

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

81. Certification - Air Handling Systems (Including water-cooling system, hot-water systems and warm-water systems)

Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) [Public Health Act 2010](#) (as amended)
- (b) [Public Health Regulation 2012](#) (as amended)
- (c) AS/NZS 3666.1:2011 *Air-handling and water systems of buildings –Microbial control -Design, installation and commissioning*

82. Registration – Water-Cooling and Warm-Water Systems

The applicant must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 12 of the [Public Health Regulation 2012](#) (as amended prior to the issue of an Occupation Certificate).

OPERATIONAL CONDITIONS (ON-GOING)

83. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

84. Boarding House Operation

The following restrictions apply to the approved development:

- (a) The development approved under this consent constitutes a 'Boarding House' as defined under [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) and shall not be used for the purposes of permanent residential accommodation nor hotel, motel, serviced apartments, private hotel, tourist accommodation or the like.
- (b) Not more than two lodgers shall occupy boarding rooms which is to contain no more than two beds.
- (c) The total number of lodgers residing in the boarding house at any one time shall not exceed 102 lodgers (excluding manager).

- (d) The lodgers must be subject to an occupancy agreement for a term of no less than three months.
- (e) The boarding house must always be operated and managed in accordance with the provisions contained within the Plan of Management, prepared by UrbanLink (as required to be amended with the Construction Certificate plans).
- (f) The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the [Local Government \(General\) Regulation, 2005](#) under the [Local Government Act 1993](#), the [Public Health Act, 2010](#) and Regulations thereunder.
- (g) The operation of the Boarding House shall be in accordance with the [Boarding Houses Act 2012](#) at all times. This includes the registration of the Boarding House, as required by the Act. Subdivision of the boarding house is not permitted in accordance with the provisions of the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#).

85. Noise Control

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

86. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

87. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

88. Amenity of the Neighbourhood

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

89. Activities and Storage of Goods Outside Buildings

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

90. Standing of Vehicles on Public Roads

No motor vehicles awaiting repair or under repair, or waiting delivery, shall be stored, parked, or otherwise permitted to stand in a public street. All such vehicles shall be accommodated within the premises.

91. Loading & Unloading of Vehicles

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

92. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

93. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

94. Responsibility of boarding house manager

The boarding house manager shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The boarding house manager shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

95. Greywater System

In order to conserve and re-use water, Council encourages all developments for [new dwellings/dual occupancy/multi-unit residential dwellings] to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

96. Requirement for a Construction Certificate

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

97. Appointment of a PCA

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

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

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

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

98. Notification of Critical Stage Inspections

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

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

99. Notice of Commencement

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

100. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

101. Notice to be Given Prior to Critical Stage Inspections

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

102. Occupation Certificate

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

PRESCRIBED CONDITIONS

Prescribed conditions are those which are mandated under Division 8A of the [Environmental Planning and Assessment Regulation 2000](#) and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

103. Clause 97A – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

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

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

105. Clause 98A – Erection of Signs

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

106. Clause 98B – Home Building Act 1989

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

107. Clause 98E – Protection & Support of Adjoining Premises

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

108. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.