

ADDENDUM IDAP REPORT

Property:	114 Burlington Road, Homebush Lot 1 DP 900772 DA2016.15.3
Proposal:	Section 4.56 Application for internal and external alterations to a place of public worship premises.
Applicant:	Architecture Design Studio
Owner:	Strathfield Muslim Welfare Association Inc.
Date of lodgement:	22 September 2021
Date of IDAP Meeting:	17 December 2021
Notification period:	30 September 2021 to 22 October 2022
Submissions received:	Two
Assessment officer:	P Santos
Estimated cost of works:	\$90,898.00
Zoning:	R2-Low Density Residential - SLEP 2012
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL

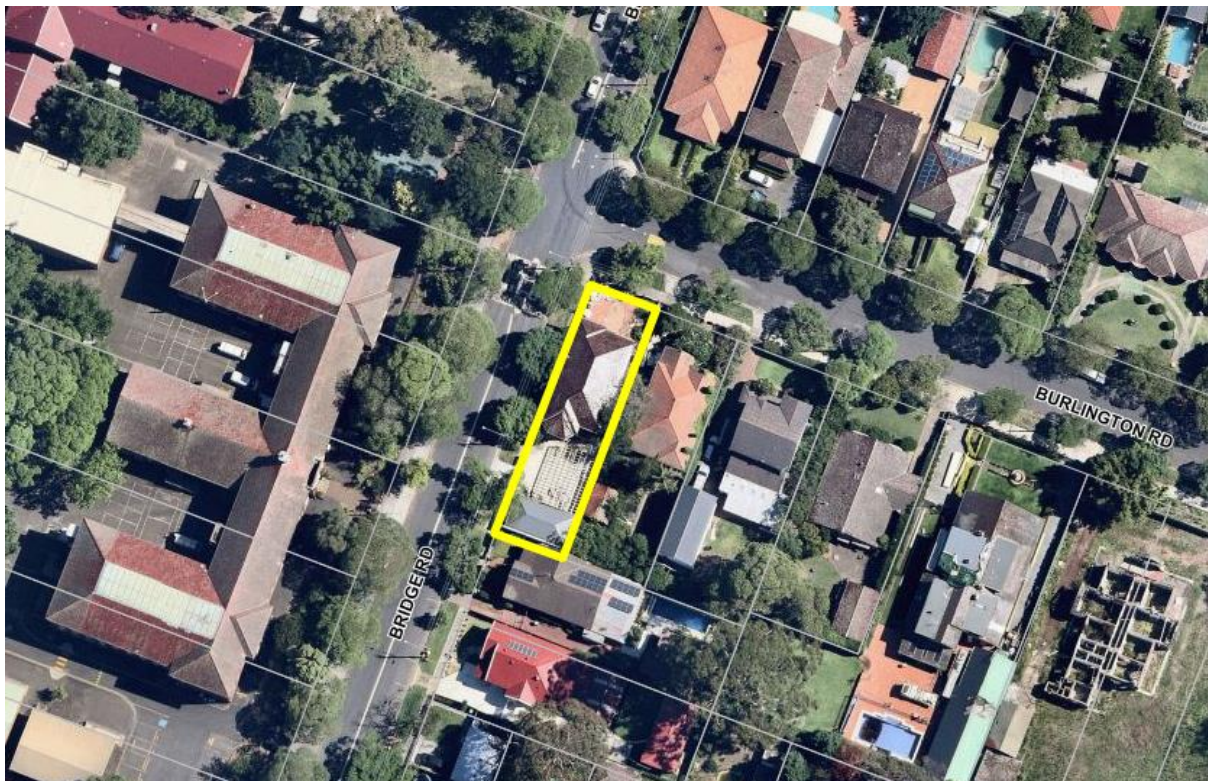


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.56 application to modify development consent DA2016/15, and as amended, for the internal and external alterations to a place of public worship.

Background

The application was considered by IDAP on 17 December 2021. At this meeting the panel resolved to defer the application to allow the following matters to be addressed:

- *“...for further consideration of the impacts of the development on the amenity of the area.”*

The concerns raised by the panel was relayed back to the applicant, whom provided a response with supporting information.

Strathfield Local Environmental Plan

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal continues to satisfy all relevant objectives contained within the LEP.

Notification

The provided information to Council to address the issues raised by IDAP did not require re-notification.

Conclusion

The Applicant submitted a letter to Council in response to the matters raised above. The addendum report provides confirmation that the deferred matter can be appropriately resolved by the imposition of relevant conditions of consent.

Accordingly, having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, development application 2016/15/3 is recommended for approval subject to suitable conditions of consent.

ADDENDUM REPORT

Proposal

Council has received an application for the Section 4.56 application to modify development consent DA2016/15, and as amended, for the internal and external alterations to a place of public worship.

Background

This report is to be read as an addendum to the report presented to IDAP on 17 December 2021. The subject application was deferred by the panel at this meeting for the following reasons:

“...for further consideration of the impacts of the development on the amenity of the area.”

The above concern relates to the proposed changes to the dwelling, both on the ground and first floor. The proposed works on the ground would result to a prayer room that is larger than the approved by the NSW LEC and capable to accommodate more than the number of people approved to use the building, which could have an impact to the amenity of the neighbours (i.e. traffic and noise, etc). The first floor will have another toilet area with three WCs, apart from the separate bathroom on the same level. The number of toilets and WCs suggest that the building can accommodate more than 30 people at any one time, which is not permitted by the current applicable consent and will not be permitted by Council to be exceeded.

The applicant did not provide amended plans addressing the concerns raised but instead submitted a letter, which includes the following explanation/information:

“...there will be no amenity impacts as there are no proposed changes to the maximum number of worshippers permitted as part of the operation. Capacity is primarily managed as an operational function, with full adherence to the Plan of Management undertaken as required by the approved conditions of consent.”

“The length of the prayer area is 18m. This can accommodate 12 people with social distancing compliance. ... The width of the prayer area can accommodate 3 lines of people. While this provides a maximum capacity of the prayer area for 36 people, the organisation will be capping the numbers at 30 as per the conditions of consent.”

“While health restrictions are evolving, it is sensible and responsible to continue to socially distance indoors. ... As we are approaching winter, it is reasonable to assume that the possibility of restrictions increasing again is high.”

“The subject area (referring to the toilet on the first floor which was raised as an area of concern by IDAP) was originally an ensuite to the master bedroom. Since Muslim females attending the mosque would not feel comfortable sharing a toilet area with male congregants, the intent is to make that area available for use by any females who may attend the Mosque.”

Referrals – Internal and External

The amendments did not require any additional internal or external referrals.

Assessment

The assessment report initially submitted to the panel on 17 December 2021 did not raise concerns about the enlargement of the prayer room. The report acknowledged the capacity restrictions of the NSW Public Health Order in relation with the COVID-19 pandemic and also considered the conditions imposed by the Court in relation with the number of attendees. The concerns raised by the panel can be resolved by a condition of consent requiring CCTVs to be installed. This shall assist in monitoring that the number of attendees at any one time continually comply with the consent which Council can access in an event of complaints from neighbouring properties.

As the approved use of the site is for public purposes (public congregation) and to ensure the protection of the amenity of the locality (i.e. traffic, noise, etc), a condition of consent has been imposed to install CCTV cameras with focus on the prayer room on the ground floor, meeting room on the first floor, front entry and the carpark area. To ensure that no visual privacy concerns will arise between the neighbours in relation with the cameras, the condition will restrict installation of dome cameras that can overlook other properties.

Further to the above, it is acknowledged that separate facilities can be provided to each male and female worshippers. However, the number of bathrooms in the building is excessive. As such, conditions of consent are imposed to the following effect:

- The ground floor bathroom (apart from the accessible WC) is to be restricted to male attendees and the first floor bathroom is for the female attendees.
- The separate bathroom on the first floor is to be converted to an accessible bathroom and can only be used by attendees with disability.

It is noted that the floor plan approved for the house in BA256.91 (approved 29 October 1991) and the NSW LEC approved plans on 10 November 2017 both show that the separate bathroom was approved as a bathroom and the removal of it is considered onerous.

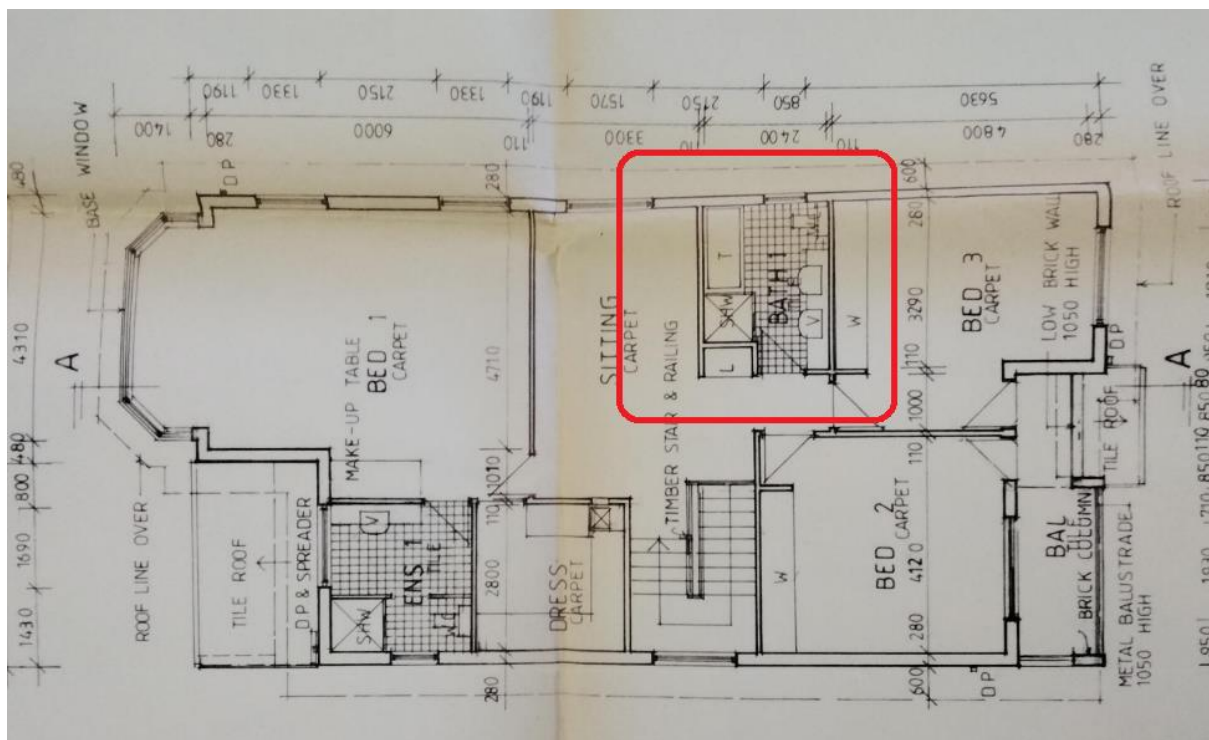


Figure 2. Extract of the floor plan approved in BA256.91 with the separate bathroom outlined.

Strathfield Local Environmental Plan

(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*

(iii) *any development control plan,*

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

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

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

The provided information as a result of the deferral of the determination by Council's internal panel do not impact on the original assessment of this provision.

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

In accordance with the provisions of Councils Community Participation Plan, the provided information as a result of the deferral of the determination by Council's internal panel were not placed on neighbour notification.

(e) the public interest.

The provided information as a result of the deferral of the determination by Council's internal panel do not impact on the original assessment of this provision.

Local Infrastructure Contributions

The provided information as a result of the deferral of the determination by Council's internal panel do not impact on the original assessment of this provision. The nature of the proposed modifications do not result in the increase or change to the contributions imposed in the original consent.

Conclusion

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

Following detailed assessment of these changes, it is considered that development application no. 2016/15/3 should be approved subject to following conditions being added to, modified or deleted draft consent originally present to IDAP on 17 December 2021.

- Modify condition #2: Approved Plans and Documentation,
- Add condition #2A: Building Information Certificate,
- Add condition #2B: Surveillance Cameras, and
- Add condition #2C: Hygiene Facilities.



Signed:

**P Santos
Senior Planner**

Date: 7 April 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 development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

ANNEXURE A

GENERAL CONDITIONS (GC)

THIS DEVELOPMENT CONSENT IS SUBJECT TO AN 18 MONTH TRIAL PERIOD

1. TRIAL PERIOD

The operation of the use under this consent is valid for a period of 18 months from the date on which the approved use has commenced (ie the date of issue of the any Occupation Certificate in relation to the development). Upon commencement of the use, the applicant is to forward to Strathfield Council ('Council') a notice detailing the commencement date of the 18 month period AND the proposed conclusion date of the use. At the expiration of this 18 month period, the operation of the development must cease, unless a separate application for the use has been submitted to and approved by Council (or the Land and Environment Court), prior to the expiration of the 18 month period. The use may continue while the application is under assessment.

2. APPROVED PLANS AND DOCUMENTATION

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

Drawing No.	Drawing Name	Prepared by	Revision	Dated
1001	Site Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1201	Ground Floor Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1301	First Floor Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1401	Roof Plan	Architecture Design Studio Pty Ltd	F	16 October 2017
1501	Building Elevations	Architecture Design Studio Pty Ltd	F	20 October 2017
1510	Streetscape Elevations	Architecture Design Studio Pty Ltd	F	16 October 2017
1601	Building Section	Architecture Design Studio Pty Ltd	F	16 October 2017
8101	Shadow Diagram – 21 st June 9am	Architecture Design Studio Pty Ltd	A	16 October 2017
8102	Shadow Diagram – 21 st June 12pm	Architecture Design Studio Pty Ltd	B	16 October 2017
8103	Shadow Diagram – 21 st June 3pm	Architecture Design Studio Pty Ltd	A	16 October 2017
6025 – C01	Stormwater Drainage Concept Plan Site Plan	Global Project Engineers Pty Ltd	E	17 October 2017

6025 – C02	Stormwater Drainage Concept Plan OSD Basin Details	Global Project Engineers Pty Ltd	E	17 October 2017
1001	Site Plan	Architecture Design Studio Pty Ltd	J	2/09/2021
1201	Ground Floor Plan	Architecture Design Studio Pty Ltd	K	22/11/2021
1301	First Floor Plan	Architecture Design Studio Pty Ltd	K	22/11/2021
1501	Building Elevations	Architecture Design Studio Pty Ltd	K	22/11/2021

Title / Description	Prepared by	Revision/Reference	Dated
Plan of Management	Strathfield Muslim Welfare Association	3458-7335-9877 v.1	Undated
Arboricultural Impact Assessment	Growing My Way Tree Consultants		September 2016
BASIX Certificate		694453S	23 December 2015
Acoustic Report of Renzo Tonin	Renzo Tonin & Associates	TJ675-01F02 Expert Report Acoustics (r 3)	29 September 2017
Plan of Management	Lighthouse Planning	136A	August 2021

MODIFIED: DA2016/15/3 15 April 2022

2A. BUILDING INFORMATION CERTIFICATE

A Building Information Certificate is to be lodged with and approved by Council, prior to the issue of an Occupation Certificate, in relation to the structural integrity of all unauthorised building works that were constructed contrary to or not approved as part of the Construction Certificate.

ADDED: DA2016/15/3 15 April 2022

2B. SURVEILLANCE CAMERAS

Close Circuit Televisions (CCTVs) must be installed with clear and unobstructed coverage of the entirety of the prayer room on the ground floor, meeting room on the first floor, front entry and parking area. The CCTV cameras to be installed external of the building are not to be dome cameras and must not have the capability to overlook onto neighbouring properties.

A Memorandum of Understanding is to be entered into by both Council and Strathfield Muslim Welfare Association Inc allowing Council to access the CCTVs should Council receive at least three traffic and noise complaints in any one day.

ADDED: DA2016/15/3 15 April 2022

2C. HYGIENE FACILITIES

The multiple capacity bathroom on the ground floor and the first floor are to be dedicated to either male or female users. The separate bathroom on the first floor is to be converted to an accessible toilet, complying with condition #16.

ADDED: DA2016/15/3 15 April 2022

3. PLAN OF MANAGEMENT

- (a) The development is to operate strictly in accordance with the approved plan of management.
- (b) Operation of the premises shall not commence before 5:00am and shall cease by 9:30pm.
- (c) The dawn prayer commencing at 5am or thereafter shall be restricted to a maximum of 15 attendees.
- (d) No activities associated with the annual religious events of Eid and Ramadan, nor ceremonies and activities associated with weddings; celebrations; additional services (not scheduled as part of this consent) and/or social events are permitted on the premises.
- (e) There shall be no midday prayer session held on any Friday at the premises.

4. ACOUSTIC TREATMENTS

- (a) All windows and doors in the premises are to be kept closed during the hours of operation when prayer sessions are taking place.

5. BUILDING CODE OF AUSTRALIA

The unprotected openings located along the north-eastern elevation of the building are to be protected in accordance with the acceptable methods for protection of openings as set out in clause C3.4 of the Building Code of Australia. Details of the method of protection for these openings is to be included in the construction certificate plans.

6. TREE REMOVAL

Consent is given to remove one (1) *Cinnamomum camphora* (Camphor laurel) located at the south-eastern boundary of 114 Burlington Road, Homebush subject to the following:

- (a) The tree is to be removed (including stumps ground), to be replaced with three specimens approved by Council (Replacement Tree) as specified below.

- (b) The Replacement Tree is to be maintained for a thirty (30) week establishment phase at the expense of the Applicant. Any site preparation required is also at the applicant's expense. If the Replacement Tree declines during the establishment phase, it must be replaced with a new Replacement Tree (Subsequent Replacement Tree), at the Applicant's sole expense, which will also be subject to a thirty (30) week establishment phase upon installation.
- (c) The Applicant accepts that any Replacement Trees and/or Subsequent Replacement Trees must survive the thirty (30) week establishment phase, to Council's satisfaction, otherwise additional Subsequent Replacement Trees must be installed, at the Applicant's sole expense, which will also be subject to a thirty (30) week establishment phase.
- (d) Proof of purchase and installation arrangement of Replacement Trees must be presented to Council prior to tree removal. Proof of purchase for Subsequent Replacement Trees must be presented to Council every time a Subsequent Replacement Tree is required to be installed.
- (e) All tree work must be undertaken by a minimum AQF3 qualified arborist.
- (f) All tree work must be done in accordance with Australian Standards (AS)4373 – pruning of amenity trees and (AS)4970 – protection of trees on development sites.
- (g) It is the responsibility of the Applicant to call Dial-Before-You-Dig to locate any underground services and the Applicant is responsible for any damages incurred to underground services as a result of works being undertaken.
- (h) Council will inspect the quality of replacement specimens at time of installation. A follow up inspection will be conducted after 30 weeks to assess the health of the replacement trees.

TREE REPLACEMENT SPECIFICATIONS

- (i) The Replacement Trees must be planted prior to the issue of an occupation certificate.
- (j) The Replacement Trees must be a tree selected from Council's Recommended Tree List (available on Council's website) one of which must obtain a minimum 10m in height upon maturity and be located within the front (north eastern) setback of the site.
- (k) Species selection must be reviewed and endorsed by Council before trees are planted.
- (l) Replacement Trees shall be minimum one thousand (1000) litre container size.
- (m) The Replacement Tree must be in accordance with NATSPEC specifications and guidelines.
- (n) The Replacement Tree shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, with a large healthy root system with no evidence of root curl, restriction or damage.
- (o) The Replacement Tree is to have a single leader and clear straight trunk.

- (p) The Replacement Tree is to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others necessary to stabilize the tree.
- (q) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

7. CONSTRUCTION HOURS (GC)

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

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

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

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

8. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

9. DEMOLITION – GENERALLY (GC)

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

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

10. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

11. LIGHTING (GC)

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

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

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

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

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

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

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

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

(Reason: Statutory requirement.)

13. STORMWATER CONCEPT PLANS

Written certification confirming that the approved stormwater design is acceptable and complies with the relevant standards, codes and regulations must be obtained from a Chartered Professional Engineer who is on the Professional Engineers Register, and submitted to Council prior to the issue of a construction certificate.

14. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvi) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Any work must not prohibit or divert any natural overland flow of water.
- xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non- disruptive to the local area.)

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

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

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

16. ACCESS - DISABLED TOILETS (CC)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

17. CAR PARKING - COMPLIANCE WITH AUSTRALIAN STANDARDS

The approved car park must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

18. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

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

(Reason: Compliance with SCDGP 2005.)

19. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

20. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

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

- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- ii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.

- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

21. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

22. **FIRE SAFETY SCHEDULE (CC)**

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

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

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

23. **SECTION 94 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN (CC)**

In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010- 2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$10,223.80
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 94 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

24. **WASTE MANAGEMENT PLAN (CC)**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

25. REMOVAL OF POWER POLE

An approval for the relocation of the power pole as shown in the middle of the driveway on Bridge Road on the approved plans in condition 1 is to be obtained and relocation of that power pole is to be arranged in accordance with that approval prior to the issue of any Occupation Certificate.

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

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

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

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

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

27. NOTICE OF COMMENCEMENT (CW)

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

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

Builder. (Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

28. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

29. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.

- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non- disruptive to the local area.)

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

30. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

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

(Reason: Adequate access and egress.)

31. FIRE SAFETY CERTIFICATION (OC)

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

32. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

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

33. NOISE - NO AMPLIFIED MUSIC (OU)

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

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

34. NOISE - SIGNAGE TO PATRONS EXITING THE PREMISES (OU)

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

(Reason: Public interest.)

35. SEATING CAPACITY - MAXIMUM PERMITTED (OU)

Subject to condition 3(c), the premises shall accommodate a maximum number of thirty (30) persons at any one time.

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

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

36. **SECURITY MANAGEMENT PLAN (OU)**

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

(Reason: Amenity, health and safety.)